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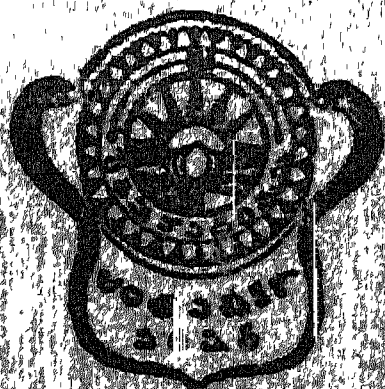
# **INDIA**

**AND THE**

## **LEAGUE OF NATIONS**

**BY**

**SIR J. C. COYAJEE**



**WALT AIR**

**1932**

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INDIA

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AND THE

LEAGUE OF NATIONS

REVISED - 1963

BY

SIR J. C. COYAJEE, Kt, B.A., LL.B.

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To the Memory of  
My Father,  
An Ardent Admirer and  
An Enthusiastic Inculeator of the  
Ideals of Peace.



## . ERRATA.

- Page 7, line 10, *for* 'homogenity' *read* 'homogeneity'
- Page 8, line 26, omit the comma occurring after 'sporadic'
- Page 12, lines 32 and 33, *for* Kings' *read* King's
- Page 13, line 2, *for* Butlers' *read* Butler's
- Page 17, line 3, *for* Armenain *read* Armenian
- Page 18, line 8, omit the comma occurring after 'industrially'
- Page 22, last but one line, *for* repitition *read* repetition
- Page 29, lines 11, 21 and 26, *for* Indias' *read* India's
- Page 33, line 25, *after* 'history' *insert* 'of'
- Page 34, line 6, *for* Japans' *read* Japan's
- Page 43, line 9, *for* Cobinet *read* Cabinet
- „ „ line 12, *after* 'was' *insert* 'a'
- „ „ line 24, *for* 'Memer' *read* 'Member'
- Page 44, fifth line from bottom, *delete* '(British Reservation)'
- Page 46, line 19, *for* on *read* an
- Page 48, line 11, *for* Commissariot *read* Commissariat
- Page 51, line 11, *for* were *read* was
- Page 53, line 1, *for* despute *read* dispute
- „ „ line 9, *after* 'peace' *insert* 'will'
- Page 55, line 24, *insert* 'the' *before* 'Protocol'
- Page 57, line 28, *for* frontol *read* frontal
- Page 67, last but one line, *omit* comma after 'while' and *insert* it  
after 'India'
- Page 71, line 25, *for* 'may' *read* 'May'
- Page 73, line 8, *insert* a bracket after 'evacuation' and a bracket  
before 'fixing'
- Page 111, line 29, *for* "India's of Position to the Reaction" *read*  
"India's Opposition to the Reaction"
- Page 118, line 20, *for* find *read* found.
- Page 190, line 1, *for* 'of' *read* 'on'
- Page 211, line 22, *for* 'existinction' *read* 'extinction'

## PREFACE.

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The object of the present volume is to supply the Indian public with a brief account of the activities of the League and at the same time to trace the course of the co-operation of India with that League. Needless to say that the course and potentialities of the development of the policy of India with respect to the multifarious activities of the League is of great importance as regards our national interests and progress.

The League deservedly attaches a high value to the dissemination of general instruction in its aims and work. The present book is intended to be a humble contribution to this cause. It has been noted on high authority that such a task of instruction in the objects of the League presents certain difficulties—those of “reconciling a common international purpose with all that is most intimate and deep-rooted in national temperaments and traditions.” But it might be safely asserted that these difficulties are at their minimum in the case of India; for in many respects the ancient and high traditions of India were identical with those maintained by the League in our days. Thus at every step of this study the Indian student will be reminded of the old ideals of his country. The League’s efforts in the cause of peace will remind him of the traditional Pacifism of his country, while the present work for Intellectual Co-operation will remind him of the day when India was a great intellectual focus for the world. The spirit of India is indeed closely akin to the spirit of the League. One would not be far wrong in asserting that Indian mentality and culture have been ready for many centuries to welcome the advent of an institution like the League.

Admittedly the present book is only a sketch—and the first sketch—of the great subject with which it deals. It is certainly not possible to include within the range of a couple of hundred pages anything like a full treatment of the numerous aspects of the topic.



I hope, however to be able to offer a less inadequate and more comprehensive treatment of the subject at no very distant date. The great literature which is growing up so rapidly about the nature, work and activities of the League has been freely drawn upon in preparing this sketch. But I believe I have taken care to acknowledge my obligations to the various sources thus utilised. I have tried at the same time to make this study something like a guide and an introduction to that literature.

I am deeply obliged to the Hon'ble Sir B. L. Mitter for permitting me to incorporate in the book his important address on "India and the League of Nations"—which will be found at pp. 42—51. Another distinguished personage who encouraged me in bringing out this book was the late M. Albert Thomas who was good enough to write to me repeatedly enquiring about the progress of my work. His untimely and early death has deprived me of the pleasure of submitting the book to him.

In writing the section of Chapter IV which deals with the contribution of India to the progress of Medicine and Hygiene, I received valuable assistance from Col. Stewart, the Director of the All-India Institute of Hygiene and Public Health.

A special word of thanks is due to Messrs. W. D. Croft and G. Graham Dixon—the Secretaries of two of the Delegations of which I was privileged to be a member. They were good enough to give me full benefit of the ample sources of information at their disposal. I also desire to express my obligations to my esteemed colleague Mr. M. Venkatarangaiya for his assistance in seeing the book through the press.

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## CHAPTER I.

### NATURE AND FUNCTIONS OF THE LEAGUE: THE STATUS OF INDIA AS ITS MEMBER.

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The ideas of a world organisation of states and of the co-operation of nations on political, economic and social planes have a long and interesting history going back very far indeed. But the most important steps in developing the ideas have been taken during the last three centuries. The seventeenth century in which such great progress in intellectual, social and political affairs was witnessed was also destined to make a notable contribution in this sphere. Curiously enough it was in France, which was then the great conquering nation of the world, that the ideas of instituting an international council for resolving disputes between states and of preventing aggrandisement on the part of the stronger states were definitively formulated. This is one of the great paradoxes of national psychology, and shows that in the very heart of the most warlike countries there arises a reaction in favour of peaceful settlements. In any case the proposals of the great Sully and his French contemporary Emerich Cruce in favour of world councils to decide on and terminate the quarrels of nations are worthy of careful notice, as also is Fenelon's advocacy of a system of balance of power to save the weaker states from aggrandisement.\* To the same century the world is indebted for the work of Grotius who gave us our first formal treatise on a system of law which was to regulate the mutual dealings of nations.

It might almost appear to be a law of human nature that each great cycle of war is followed by a strong movement towards a peaceful world organization. Just as the period which witnessed the Thirty Years War and the Wars of Louis XIV also saw the rise of the ideas of an International Law and of the Balance of power, so in the Nineteenth century, the termination of the Napoleonic War

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\*Reference might be made on this topic to Sir G. Butler's Handbook to the League of Nations Chapters 2 and 3.

heralded the formation of the Holy Alliance and the efforts towards a Concert of Europe. The same century saw quite a number of worthy successors carrying forward the work of Grotius.

As Mr. Greaves has well observed "much of the League's work has its roots in the last quarter of the nineteenth century."<sup>1</sup> But indeed many years ago—as early in fact as the year 1916—Mr. L. S. Woolf had noted that "a new system of international relations began to appear in the last century. The pivot of the system was the making of international laws and the regulation of certain international affairs at international conferences of national representatives. The important part of the system was the expressed or unexpressed acceptance of the principle that such affairs should only be settled by the collective decision of the powers". The same authority adds in a later chapter that "a vague protoplasmic international authority has made its appearance in the nineteenth century, a primitive organism with two rudimentary organs, one consisting of judicial tribunals and the other of conferences of representatives".<sup>2</sup>

Concrete exemplifications of the development of mutual aid among states and of the formation of organizations for that purpose occur readily. Thus the scope and work of international arbitration was growing with the work of the Hague Conventions of 1899 and 1907 and the formation of the Permanent Court of Arbitration at Hague. Its action was supplemented by the work of the Institute of International Law. On the side of Health the world had already seen the necessity of having international sanitary conferences, and international sanitary conventions had been signed, while the "Office International d'Hygiene Publique" had been established in 1907. As regards communications there is to be noted the work of the Universal Postal Union which possessed a permanent Secretariat and worked out international agreements. "It is noteworthy that it is in these two spheres of Transport and Labour that world organisation had gone farthest. Agreements establishing Uniformity of Maritime signals (1857),

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<sup>1</sup> Greaves: *League Committees and World Order*, P. 241.

<sup>2</sup> L. S. Woolf: *International Government*.



the Right of Way at Sea (1863), the Telegraph Union (1865), the Postal Union (1874), the Protection of Submarine Cables (1884), the Technical Unification of Railways (1886), the Transport of goods by Rail (1893), the Radio—Telegraphic Union (1906), Automobile Traffic (1909) such are the successive steps which have given to the world a whole system of perfected and standardised communication''. Labour too had been organizing on international scale before the war, and had established the Secretariat of National Trade Union Federations. Nor was agriculture left behind in the race for international deliberations, for the Institute of Agriculture at Rome had been set up.

### **International Co-operation during and after the War.**

By a stroke of irony the great war itself became the great school of international co-operation and organisation. In tracing this growth of organisation we have the valuable guidance of experts like Sir Arthur Salter and Mr. Rublee. Here we can only mention the main examples of such international organisation in war time. There was the "Wheat Executive" of which the object was to plan and to carry out a comprehensive policy of bread stuff supply for the allied nations. This was the first great success in the field, and its constitution supplied models for other projects. Again with the success of the submarine campaign came "the establishment of the Allied Maritime Transport Council and of Programme Committees covering all imported commodities such as the Sugar Committee, the Nitrates Committee, Wool Committee, etc.—these efforts brought about in a few months" a complete transformation of all allied shipping and supply arrangements.\*

Nor did international co-operation on the part of the Allies cease with the war. As Sir Arthur Salter tells us, the great single organisation which had been placed at the head of allied economic organisation could not indeed be continued after the conclusion of the peace. But the separatist movement which followed the peace was not allowed to do much harm, as the Supreme Economic

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\*On this subject the reader might consult chapters by Sir Arthur Salter and Mr. Rublee in the *League of Nations Starts* and an article by J. P. Cotton and D. W. Morrow in the *Atlantic Monthly*, June 1919.

Council was soon established by the Allies. That Council tackled international problems through the instrumentality of its various sections—the Shipping Section, the Finance section, the Communications section and the Blockade section.

### Religious and Philosophical Influences.

In this account of the antecedents of the League of Nations it has not been found possible to take any account of the religious and philosophical influences which have always preached a world organization for peace and progress. Such a study would occupy a course of lectures by itself. On the West there was the teaching of Pierre Dubois, of Dante, of Erasmus and Kant, of William Penn and Saint Pierre.\* In the East a great effort had been made by Buddhism long ago to unite the world into a pacifist whole. It is well known how the great Asoka proclaimed all over his empire in his inscriptions that 'the chiefest conquest is the conquest of piety'. He also begged his descendants to rid themselves of the popular notion that conquest by arms is the duty of the kings; and even if they should find themselves engaged in warfare he reminds them they might still find pleasure in patience and gentleness, and should regard as the only true conquest that which is effected through the law of piety or Duty. Less realised hitherto by the public has been the influence of Buddhism for peace when it left its native country and crossing the Himalayas established itself in Tibet and Mongolia. Mongolia which had in former days sent forth one swarm of invaders after another, to plague the world from the Altai to the Atlantic Ocean, has been made into one of the most pacific countries in the world—thanks to the pacifying genius of Buddhism; and if the Mongolians still retain some of the martial ardour of their ancestors it is expended in the harmless contests of the wrestling ring. The aura of peace which radiates today from Geneva has flowed for centuries from centres like Lhassa and Nalanda; and as the missionaries of peace now go in crowds across the Alps to Geneva so they crowded once across the Himalayas. It is a pleasure to find that at least one work on

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\*Cf. Jones & Sherman, *League of Nations, from Idea to Reality*, pp. 45—50.

the League of Nations pays a tribute to Buddha as the greatest, and, in some respects, the earliest forerunner of the cause of world peace; for it speaks of Buddhism as "the greatest movement towards world-peace that the history of religion records.\* It is quite conceivable that the history of the world might have been changed greatly for the better, and much of the present development might have been anticipated, had India chosen to remain as a country in the fold of Buddha. For then India could have been the nucleus and focus of a great religious and political system stretching not only over China, further India and Ceylon but over Central Asia and Ceylon. That would have formed a great system dominated by pacific ideals, and such ideas could have had a splendid chance of spreading over Western Asia and of permeating the entire world. We are face to face here with one of the greatest "might have beens" of history. Nor when talking of religions would it be at all just not to mention that system of the founder of which the first dictum was "blessed are the peace-makers". Nor should we forget the system of Zoroaster which boasted of being "the religion which makes men lay down their arms".

Writers on the Science of Politics have found it difficult to find a definition of the functions of the state which could be comprehensive and complete. This is even more true of the League of Nations, which although it has a most important political aspect has equally important economic and social aspects. The preamble to the Covenant of the League of Nations has fortunately been so framed as to leave the scope of the activities of the League a highly elastic one. The Covenant has been agreed to by the High Contracting Parties "in order to promote international co-operation and to achieve international peace and security". This, the very first clause is obviously of a most comprehensive character, for who and what is to set limits to "international co-operation"? The subsequent clauses too require a careful study. There is, for example the aim for "the prescription of open, just and honourable relations between

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\*Jones & Sherman, *The League of Nations—from Idea to Reality*, p. 37.

nations''; while Art. 23 opens up an immense field for the social activities of the League.

In a word, a world organization was set up to deal with the needs of a period which is highly dynamic in a multitude of aspects. Consequently the League was appealed on all sides to enlarge the scope of its work and was indeed compelled to do so. At the very first session in 1920 Health and Opium Committees had to be formed. The Brussels Financial Conference was followed by the formation of the Economic and Financial Committee, and the Barcelona Conference by the setting up of the Communications and Transit Committee. Then came the Conference for the Suppression of the Traffic in Women and Children which necessitated the institution of the Commission for the Protection and Welfare of Children and Young People. Already the Protocol of Signature of the Statute of the Permanent Court of International Justice had been opened. On the top of these came the problems of financial reconstruction of various countries. The rapidity with which the scope of the work of the League had to be expanded shows the potential range of that scope and promises further enlargement in future.

In view of this successive and remarkable enlargement of the scope of work of the League it is well to have something like an authoritative guidance as to the ranges and activities of the League. Sir Eric Drummond's statement on the topic will therefore bear quotation: "It (the League) was to grow and develop, throwing out new branches and adapting itself to fresh needs as they arose, until it became as *comprehensive as the international life of which it is an integral part*. But in the steady effort to provide *international co-operation—continually enlarging its scope*—with those permanent organs for conference and enquiry that the society of states had lacked until the creation of the League, the aims and methods remain unchanged".<sup>1</sup> Here we have, if anything, a conservative but fairly comprehensive view of the work of the League. The American view as represented say by Prof. Shotwell

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<sup>1</sup>Sir Eric Drummond: *Ten Years of World Co-operation*, p. 3.

of Columbia is even more conservative. Prof. Shotwell has observed that "it is just as essential that the principle of recurring conferences should not be strained or exaggerated so as to include all the miscellany of international intercourse in social welfare, a large part of which has but slight concern with the League of Nations. The policy of the League in this matter, must be conservatively based upon a sense of reality rather than upon theoretic and all-inclusive idealism".<sup>2</sup> This view is not inconsistent with that of Sir Eric Drummond if we have due regard to the growing inter-dependence and homogeneity of the world, which in its turn enlarges the possibilities of advisable enlargement of the scope of the work of the League.

### Nature of the League:

#### The League as an entity in International Law.

The League as an institution is still such a novelty in its political and legal aspect that there has arisen a considerable controversy as to whether it constitutes a personality as envisaged by International Law, and if so what kind of a personality it possesses. This controversy is a matter for experts in the field of International Law; and indeed as the character of the League is still evolving one might safely leave the true exposition of the subject preferably to the experts of the next generation. Nevertheless it is necessary to attempt to indicate the leading issues in the matter.\* The range of diversity of views on the topic is obvious from the fact that at one extreme there are authorities like Schucking who urge that the League is a confederation, while at the other extremity experts like Roth Williams and Prof. Manley O. Hudson who assert that it is not a political entity at all, nor does it possess a political personality of its own but that it is only a method of co-operation of states. Midway between these extremes range opinions of eminent lawyers like Lord Birkenhead and Oppenheim who argue that the League is an international person *suigeneris*. The key to the origin of such a controversy is furnished

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<sup>2</sup>Vide *The League of Nations Starts*, p. 57.

\* For a full treatment of the subject see C. Howard-Ellis, *Origin, structure and working of the League of Nations*, pp. 343—349.



by Mr. C. Howard Ellis who lays his finger on the true difficulty in the situation. "The League, once its character as a person or subject in international law is recognised, raises a whole crop of puzzles as to its powers and attributes—its relations to member and non-member states, the character of Assembly and Council decisions, the protection of minorities and where 'sovereignty' over mandated territory resides". That Gordian knot can be cut, and all these puzzling problems can be avoided if it can be boldly asserted and maintained that the League is no personality at all but only a method. From this point of view one can well understand the dictum of Roth Williams regarding the "illusion that the League is some kind of independent entity, a committee of individuals with vague semi-judicial functions, a sort of areopagus or world tribunal." He however feels constrained to account for the greater persistence or success of the method in post-war days; and he makes a great effort to explain this: "The League differs from the international conferences that used to take place before and during the war, principally in this, that it provides permanent machinery to carry on from conference to conference the work decided upon at these gatherings, and includes the obligation to hold general conferences at regular intervals, as well as facilitates the summoning of special conferences as occasion may demand. In other words the Government members of the League have attempted to organize on permanent lines and co-ordinate systematically the methods of international conference and co-operation, that had grown up in a sporadic, *ad hoc* manner before the war in response to the growing interdependence of modern nations". In the same spirit Prof. Manley O. Hudson argues that "for a truer view of the League of Nations we must regard it, not as a new political entity created in a world of states, not as having political personality of its own, not as a state in itself, but as a new method which has been adopted by the existing states for co-operating to meet those needs of world society which cannot be met by national action."

No doubt there is a kernel of truth in both these views—one of the views emphasising the mechanism or function, the other the substance or organism that works and functions. Properly viewed

the League is not as yet a confederation of states nor will it become one for some decades. One can agree with the dictum of Prof. Rappard that the League is "much less than all-powerful super-state, much more than an international letter box".\* On the other hand they seem to go too far who deny that the League has no personality and is only a method. They might well be asked the question—when does a method cease to be a method and become an institution? Tribunals and even Governments are, from one point of view methods of social functioning, and yet from another point of view they are institutions and personalities. There can be no question that the Member states have assumed certain responsibilities and obligations on their entry into the League. But towards whom are these responsibilities assumed if there is no personality like the League? The League is, like the state, a form of social integration and it is well to emphasise the view of Mr. C. Howard Ellis that "the League is no less than the beginning of the last and greatest stage in social integration, the nucleus of world polity".<sup>1</sup> In the same spirit an American authority like Prof. Bassett affirms that "there is growing up a League entity, distinct from any state in the League, and with a life of its own".<sup>2</sup> The doubt as to the existence of the League's personality is due to two factors; in the first place we are at present viewing the beginnings of the rise of the personality of the League; and secondly we are apt to forget that even the personality of the state is only a metaphysical conception.

Such is the view that commends itself to the present writer, and it is based upon the very psychology of co-operation. All forms of co-operation are in themselves methods of social procedure, but they also tend to form social entities. Co-operation is the enemy of chaos and anarchy; but where anarchy is displaced authority is founded. However, in any case one is on safe ground in prophesying that the controversy will have a long life. All those who are a little nervous when envisaging the compelling

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\*Prof. Rappard's article on "the Evolution of League" in the work on *Problems of Peace*.

<sup>1</sup> C. Howard Ellis, *op. cit.*, p. 485.

<sup>2</sup> Bassett, *The League of Nations*, p. 375.

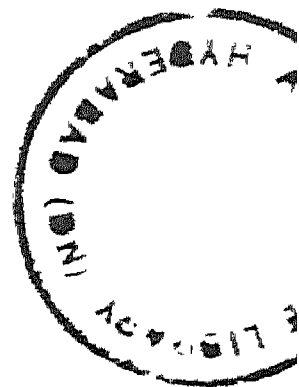
authority of a super-state in future, all those who feel strongly the encroachment on the states' "sovereignty" in the old orthodox sense will be for denying a personality to the League. We have had in the past one controversy about "The individual *vs* the state". We are now viewing the beginnings of another controversy—*viz.*, "the individual state *vs* the super-state", which is likely to be as sharp and prolonged. It has taken a long time to get some measure of working agreement about the proper scope of state authority and the principles which should be invoked when the interest of the state and the individual clash. Even now we have the controversy of individualists and socialists in that field. So, we can well imagine that the evolution and recognition of the super-state and the determination of its relations to the state will require a long period.

### **The League and National Sovereignty.**

It is in fact premature to talk as yet of the League being either a Federation or a super-state for we are seeing only the initial stages of the movement in that direction. But even at this stage the controversy as regards the effects of the formation of the league upon national sovereignty in its external aspects is a live and acute one. Thus we meet with statements like the following: "A League of Nations is a federation; and inside a federation of any kind there is no complete sovereignty allowed to any constituent part".<sup>1</sup> That is surely a rather bold statement. But even a lawyer of the high authority of Lord Birkenhead could assert that "large domains of sovereignty have been signed away in advance by many states in the Covenant, the League minority treaties, etc."; and Mr. J. E. Harley, writing in the *British Year book of International Law* for 1924, argues that "certain attributes of sovereignty formerly possessed by each member of the League as it stood aloof from all others have been voluntarily transferred or delegated to the organs of the League". These views are quoted with approval by Mr. C. Howard Ellis in his excellent work on "The Origin Structure and Working of the League of Nations"; and he adds that "the founding of the League has

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<sup>1</sup> Jones & Sherman, *The League of Nations*, p. 70.



converted most of the largely fictitious community of nations into a real international society, with a definite organization and permanent institutions, the whole based on common legal obligations overriding all other treaties concluded previously or to be concluded in the future. This fundamental fact alone denotes an enormous advance, for *ubi societas, ibi jus est*'.\*

There are other writers who have pointed out that on the economic side also the former liberty of the state has been limited by the action of and conventions framed under the auspices of the League. Thus Mr. S. H. Bailey has noted that "the Economic Committee of the League of Nations has sought to restrict conventionally the economic sovereignty of the states in regard to Customs Formalities, the regime of Import and Export Prohibitions and Restrictions, the treatment of Hides, Skins and Bones and the Fixation of Tariff Rates." So much about the aspect of Commercial Practice. On the side of Communications and Transit the action taken against the powers of states to practise discrimination has been even more important. "The application of general rules to modern forms of communications and transit—the principal achievement of pre-war collective action—has been carried farther since the war by a series of conventions and statutes upon Freedom of Transit, the Regime of Navigable Waterways of International Concern, the Regime of Maritime Ports, the International Regime of Railways, the International Convention on the treatment of Passengers and Baggage on Railways, Air Navigation, the revision of the pre-war Postal, Radio-telegraphic and Railway Freight Transport Conventions, and the provisions relating to certain specific international Waterways. These conventions attempt in varying degrees to curtail the possibilities of discriminatory treatment by clauses providing for equality of treatment of all foreign goods, persons or services, as for example in the Statute on Freedom of Transit; the Convention on the Regime of Navigable Waterways of International Concern; and in the Universal Postal Convention of London, revised in 1929."

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\* C. Howard Ellis, *op. cit.* p. 344.

True, the writer quoted goes on to point out that such super-national schemes of control must "suffer in so far as they do not apply to the general but only to specific discrimination, or where important exceptions relating to vital interests, public safety and public health, or to the arrangements between the Dominions and Colonies of the British Empire are made, or where the terms of the Convention are expressly stated to be without prejudice to the sovereign rights and authority of the Contracting Parties." On the other hand he points to the fact that "there exceptions, it is true, are less damaging to the practical value of the general rules where the principle of compulsory reference of disputes relating to the interpretation or application of any part of the conventions either to an expert technical body or to arbitration, or to the Permanent Court of International Justice has been accepted as, for example, in four of the conventions concluded under the auspices of the Conferences on Communications and Transit held at Barcelona and Geneva in 1920 and 1923 respectively."\*

That the individual states have thus agreed to accept a measure of control in the matter of exercising their powers of action in some directions would thus appear to be clear. But when we come to the question as to whether the external sovereignty of the states can be said to have been really impaired or encroached upon by the formation of the League, our answer must depend upon the definition of sovereignty and upon the amount of the importance and authority to be attached to the Austinian conception of sovereignty. The real danger to liberty arises not from growing order but from anarchy. On this point an important and valuable suggestion has been made by Sir Geoffrey Butler. Following the example of Prof. Pollard and Sir Frederick Pollock he disregards the guidance of the ideas of federation or super-state as applied to the League, and prefers to follow the clue afforded by "the growth of the kings' peace and in the action of the royal writs in the British constitution." Just as this growth of the kings' authority was based not so much upon force as upon a demand for co-operation on the part of disputants, so the authority of the League cannot

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\* *Economica*, February 1932, pp. 112—113.



be said so much to detract from the sovereignty of the states as to supplement it. To use Sir Geoffery Butlers' own words "in so far as the League of Nations supplies a mechanism for preservation of these rights and values, the conception of sovereignty, with its necessary implication of moral authority can for the first time be applied to external affairs in a more adequate sense than as a mere assertion of the unchecked power either of the state or of some central federation."\* Thus in the political as in the religious field a new dispensation comes not to destroy the law and the prophets but to fulfil them.

The topic of the influence of the rise of an international community upon national sovereignty is a fertile field for political and juridical speculation. Ingenious and capable political philosophers are already extending the line of argument suggested by Sir G. C. Butler. Thus it has been argued by Luigi Sturzo that with the elimination of the need of war (through the development of the mechanism for settlement of disputes) the State's right to make war will not be tolerated by world opinion. In this way the State will see its power controlled in the technical sense; and yet the true value of national sovereignty will not be impaired, since such sovereignty is rendered the more secure by the end of war. So also it has been argued that the rule of law is not conterminous with national sovereignty. For ultimately national as well as international law, no less than the dominating power of the international community, are all based upon public confidence and recognition. Reviewing such opinions, it appears obvious that there is nothing to be said against the possibility of the growth and solidarity of such an international community. But of course such a full development of the solidarity of the opinion of the world must be a question of time. However, we have already seen the beginnings of the rise of such an international community and of the solidarity of world opinion. Thus, recently the efforts to initiate a war in the Far East have been foiled and we have seen a state's right to declare war being subjected to very definite limitations by a strong and united public opinion.†

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\*Sir G. C. Butler, *op. cit.*

†Cf. *American Political Science Review*, February 1931.

### The League's position with regard to the East.

That, at the start, the League should deal to a large extent with European problems was only to be expected and was indeed unavoidable. Its initiation was planned by a special commission appointed by the Peace Conference which was consequent on a great war between European powers. The war had upset the concert of Europe and had inflicted the greatest injury upon European countries. Moreover Europe had shown itself to be the most inflammable part of the world, and not only healing remedies but measures for avoiding war and for securing tranquility had most urgently to be applied there. But as time goes on the League should by its very nature and its character of universality turn more and more of its attention to world problems as such; for its very *raison d'etre* is to give peace and to promote the general welfare of the whole world. Its domain is a universal and not a local one. As Dr. Matsushita has emphasised, although the Peace Conference had been convened chiefly to restore peace in Europe yet the League of Nations was intended to be "a general association of nations", and Japan was the fourth of the principal allies and first power outside Europe to enter the war.\* Nor was Japan the only Asiatic country which had worked to terminate the conflict. India had also played a most important part in the conflict and had made immense sacrifices in men and money. The League could scarcely have claimed the undivided allegiance of the world but for the weight added to it by the entry of India, Japan, Persia and China, and but for the high and ancient traditions which these countries represented. No wonder, therefore that sometimes voices have been raised urging the League to pay gradually increasing attention to the needs of the East. Thus, in the Assembly of the League in 1928, Lord Lytton observed that "if it can truly be said that the League of nations is firmly established in Europe, that can certainly not yet be said of Asia; and for that reason it is important that the work of those who are trying to support the principles of the League of Nations in the East, who are trying to promote its ideals, should be made as easy as possible. The more the East can be brought into

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\*Matsushita, *Japan in the League of Nations*, p. 16.

contact with the work of the League, the more the League itself can demonstrate that it is working as much and as impartially for Asia as it is for Europe, the less necessary will it be for the League to hear of such financial difficulties such as are now being expressed. I have no desire, I need hardly say, to stereotype for all time the activities of the League, and I think that the best solution of the difficulty I am discussing is to be found along the lines of increasing its activities outside Europe—of increasing that is to say, the collaborations and co-operation between Europe and Asia, between the East and the West.” Needless to say that in making these remarks the noble Delegate for India did not intend to minimise the great services rendered by various aspects of the work of the League to the East.

At the same session of the Assembly the Leader of the Indian Delegation (H. H. the Nawab of Palanpur) emphasised another matter to which very great importance is justly attached in the East. That is the topic of racial equality. While paying a tribute to the work of the committee on Arbitration and Security he added that “it has naturally concerned itself with the practical problems which immediately confront the Western World. But there is, so it appears to me, a possible cause of insecurity lying even deeper, and capable of producing results even more disastrous than those which we now hope so earnestly to avert. I refer particularly to those sentiments of racial inequality which may, unless appeased, again divide the world into hostile camps. The League itself is based on the conception of universal equality, and I think that the words in the message just addressed by the Council to the Government of Costa Rica ‘equal obligations and equal rights’ should be welcomed and appreciated in other continents besides that of America. Great possibilities for the continuance of the beneficent work of the League will, I am sure, come into view as soon as a general conviction exists in the Orient that the League is, in the fullest sense, an association of equal peoples, with equal obligations and equal rights, affording equal opportunities to all its Members, *irrespective of racial origin*, to work harmoniously together for the great humane subjects laid down in the Covenant.”

It is worth noting in this connection that Japan too finds in its advocacy of racial equality "the strongest reason for retaining her Membership in the League." It went so far in its advocacy of the matter as to make it the subject of one of its proposals at the Peace Conference. The proposal was to the effect that since equality of nations was the basic principle of the League of Nations, the High Contracting Parties should agree to accord to all alien nationals of States Members of the League equal and just treatment in every respect, making no distinction, either in law or in fact on account of their race or nationality.

It remains to be added that in practice the work of the League is extending gradually in the East, and that the cause of racial equality is also being promoted through the League's activities. That the presence of delegates of Eastern nations on the Council of the League, both as permanent and as temporary Members, as also on various Committees and Commissions of the League must promote the sense of racial equality goes without saying. On the side of those aspects of the League work which are concerned with Health and Intellectual Co-operation there can also be no question of the benefits received by the East. Then again the East will benefit by the judicious extension of the Social and Humanitarian activities of the League especially in matters like Slavery, Traffic in women and Traffic in Opium. There can be no doubt that the East must gain materially by the efforts to abolish slavery and to put down the slave trade, as also by the application of the Traffic in Arms Convention and the general supervision of the trade in arms and ammunition. Particularly serious was the problem of the control of the manufacture of drugs; and as an Indian Delegate put it, in the year 1930, "with the exception of Egypt, I do not know of any country in which the menace of manufactured drugs is greater than it is in India." As regards the Traffic in Women and Children and the extension of the related inquiries to the East the Indian Delegation welcomed the appointment of the travelling Commission, provided, of course, that the matter was dealt with due regard to the peculiar circumstances and atmosphere of the countries concerned. On the political side, the assistance given by the

League in the task of delimiting the boundaries of Iraq and Turkey is entitled to mention; and when speaking about the East, the timely help given to Armenain refugees and the deported women and children also deserves notice.

The value of the work of the Mandates Commission deserves to be considered in this connection. In cases where there is unrest and dissatisfaction in mandated territories the Commission intervenes and makes searching inquiries; and it criticises vigorously any mandatory power which shows inefficiency or remissness. The case of France in Syria is one to which great importance must attach. But even more important are the indirect benefits of the work of the Commission. "The Commission is steadily building up in print, as well as by personal contact, generally acceptable principles for colonial Government. The influence of this extends far beyond the territories immediately under its supervision."\* In this way the Commission is revising and formulating anew the principles for the treatment of subject peoples which must influence the administration of all countries in their overseas possessions. This is a very great contribution to the cause of administrative progress.

But while the Mandates system has a great influence in the direction of administrative progress and improvement, it has also an important economic function in the improvement of Colonial trade policies. Here we have to note the additional strength given to the principle of the Open Door and the discouragement of former policies of discrimination against other nations in the matter of utilisation of raw materials. This aspect of the Mandatory system has been well developed in Mr. Benjamin Gerig's work on the *Open Door and the Mandates system*. Many portions of the East are sure to benefit by such efforts at the improvement of economic policies.

More recently the discussion regarding the attitude of the League to the East has been revived owing to the proposals made in the League for the formation of a European Union. The leaders of the Indian Delegation for the years 1930 & 1931 have

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\*Greaves, *The League Committees and World Order*, p. 182.



both expressed their apprehensions on the subject. H. H. the Maharaja of Bikaner asked whether there was not a danger, in these early years of the League, that a plan for the closer union of Europe may give rise to misapprehensions outside Europe itself as running counter to the basic conception of the Covenant that the League exists, not for Europe, not for Asia, but for the world? He added that any impression that Europe, better organised industrially, than most of the old and some of the young non-European countries, was seeking to consolidate its industrial position to the detriment—however unintended—of less fortunate parts of the world might conceivably lead to consequences which no Member of the League could desire. In the same spirit at the session of the Assembly in the year 1931 the Hon'ble Sir B. L. Mitter urged that, in the view of India, the League machinery ought not to be employed for the purpose of arriving at regional agreements in the economic sphere. True, the urgency of the economic crisis was accountable for this development. But since Asia shared in the crisis he did not think that, to take an example, the Agricultural Credits Company should have been set up by means of the League machinery in a form limited to European countries without Asiatic countries having an opportunity of putting forward their views at that Assembly. It had been alleged that the economic reapproachment of Europe would benefit Asia as well; "but so long as Asiatic countries remained outside the scope of the reapproachment, so long they must look on with some anxiety."

It might be added that during the course of the proceedings of the Commission of Enquiry for European Union "the fundamental relation existing between the League and the Commission" was repeatedly adverted to. Thus, M. Motta (Switzerland) asserted this fundamental relation and he added the following observation: "It must be plain to all that our Commission of Enquiry for European Union would be inconceivable without the League of Nations and the technical organizations which it has succeeded in setting up." M. Motta went on to add that "if the reports of Committees were submitted solely to our plenary Commission, the latter under its present constitution would have

some difficulty in carrying out the practical work which alone makes positive and concrete results possible.' The Commission also requested the Council to transfer in the budget for the current financial period the sum of 100,000 francs for the full accomplishment of the work of the former.

No wonder that in the second committee an important discussion took place on this topic and the efforts of the representative of India (Sir J. C. Coyajee) were powerfully supported by the Delegates of Japan and Persia. The Indian Delegate argued that there could be no doubt whatever that the working of the League and of the Commission of European Inquiry for the solution of the same problem—the world depression—on parallel lines must lead to some duplication and waste of effort. Nevertheless this diversion would be compensated for and even justified if either one of two conditions were fulfilled. The first condition was the European Union might show itself as a successful experiment in taking rapid and decisive action as regards reduction in customs duties, giving mutual financial assistance in Europe, and in realising and spreading co-operation in agriculture and rationalization in industry. In this way it could give a valuable lead to the world in taking decisive action against the Depression. The other condition to be fulfilled was that the European Union should set an example of restoration of political amity and confidence and co-operation. As things have turned out, however neither of these conditions was likely to be fulfilled; and the original momentum given to the movement by M. Briand had been lost in great measure, as was shown by the recommendations of the Commission. This view of the Indian delegate received so much support that in order to meet the wishes of the non-European countries it was found necessary to set up a drafting Committee to decide the future role of the Commission, and the Indian delegate was given a place on that Committee.

As a matter of fact the East should not take too seriously projects like those of European Union—the difficulties in their way are so great and so numerous. Careful students of Politics point out that such a Union is not possible in the face of the injustices that have been perpetrated in the name of the Peace of 1919.

Nor can the European Union be realised until the prevailing ideas relating to the nature of sovereignty have altered fundamentally. In this connection attention might be invited to a useful study of the subject which has appeared in the pages of the Political Science Quarterly.\* There it is argued that in order to bring about a Union or federation of European states a complete change of approach in dealing with international problems is necessary. It cannot be brought about unless European countries "are ready to take cognizance of grave errors committed in the past; unless they are prepared to correct such errors even at some sacrifice; unless they recognise that our completely changed civilisation requires a completely different method of dealing with the intricate relations between nations." Such conditions as these are, however, not easily fulfilled, and the European Union still remains only a landmark on the distant horizon.

### India's entry into the League.

On various accounts and for different reasons the entry of India into the League of Nations marks a very important stage in the constitutional and political development of India: And first we must emphasise the fact of the *separate signature* of the Covenant and of the Treaty of Versailles by Mr. Montague and H. H. the Maharaja of Bikaner. A glance at the state of things existing over the earlier decade will present the matter in its true perspective. Thus India had been represented when necessary as at Colonial Conferences upto 1907, and at the Imperial Conference of 1911, by the Secretary of State in his capacity as a Member of His Majesty's Government. A very significant change was introduced on the occasion of the Imperial War Conference of 1917 when a delegation consisting of Mr. Chamberlain, Sir James (now Lord) Meston, the Maharaja of Bikaner and Sir S. F. (later Lord) Sinha represented India. Subsequently and similarly Mr. Chamberlain represented India in the Imperial War Cabinet of 1917 and with the assistance of his colleagues at the Imperial War Conference of 1917. Moreover, at the Imperial War Conference of 1918 Mr. Montague, the Maharaja of Patiala and Lord Sinha

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\*Francis Deak: "*Can Europe Unite*"; Political Science Quarterly, September, 1931.

were the representatives of India. Thus as a very important result and corollary of the decision taken at the Imperial War Conference of 1917 India was fully represented at all future Imperial Conferences; and consequently the Peace Treaties including that of Versailles were signed separately on behalf of India. We therefore note that the admission of India to the Imperial Conference of 1917 was a big stride towards assimilating the status of our country (in its external aspect) to that of the Dominions, as an integral part of the British Empire.

India was, we note further, a partaker with the Dominions in this new status of being in the position of signing the treaty separately. In fact before this occasion neither India nor the Dominions had been made separate parties to a treaty of peace, although they had been on some earlier occasions separate parties to informal arrangements or agreements. In a word, India obtained the status of being able to sign treaties separately at the same time as the Dominions, and further in case both of the Dominions and of India the course of development was similar: "It was in connection with General Conventions, the outcome of international Conferences, that the Dominions first obtained recognition of their individual position, and this position was consolidated by the procedure adopted in the signature and ratification of the treaties of peace, and in the creation of the League of Nations."<sup>1</sup>

Further the student of constitutional matters will also take note of the important fact that while several unquestionably independent states like Albania, Estonia, Finland, Latvia and Lithuania were admitted in a sense conditionally—on proof of the proper measure of protection to minorities—India was treated as full member from the start on the same footing as the Dominions.<sup>2</sup> In this connection it is also worth remarking that though Egypt is nominally in the position of a sovereign state yet her admission to the League has been held up for a long time on account of certain reserved questions.

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<sup>1</sup>Keith, *Sovereignty of the British Dominions*, p. 386.

<sup>2</sup>C. Howard Ellis, *op. cit.*, pp. 103 & 107.

Finally, we have to draw attention to the fact that India was one of the "*original* members of the League of Nations, signatories to the Treaty of Peace." For all subsequent admissions to the League were made subject to Article 1 para 2 of the Covenant by which only a "fully self-governing state, Dominion or Colony not named in the Annex may become a Member of the League"; and then only if its admission is agreed to by two-thirds of the Assembly and also provided she gives effective guarantees of its sincere intention to observe its international obligations. Since, however, India was an original Member these criteria were not applied to her case.

While we in India have a right to congratulate ourselves on this accomplishment, yet on the whole we can acknowledge the justice and reasonableness of the idea that only fully self-governing countries should be allowed to be members of the League.

As Roth Williams has pointed out "the six votes to one cry was already raised when the Dominions came in, and was only settled when it became obvious to the world at large that the Dominions are in fact, independent nations and that their delegations to the Assembly take their own line on all questions."\* The fear was only slowly dispelled that to give separate votes to India and the Dominions was equivalent to multiplying the importance of the vote of Great Britain. Supposing, as was argued at the time, Russia wanted to enter the League and the test of full self-government was not enforced; then the Russian vote could be magnified and multiplied by the voting power accorded to Ukraine, Georgia, Azerbaidjan and the half a dozen other Soviets. So also there was the fear entertained in some quarters that France might conceivably supplement her vote by those of Algiers, Morocco and her other colonies.

On the subject of foreign apprehensions as regards the really independent character of the Dominions and of India Dr. A. B. Keith has some remarks which will bear repetition: "In the first draft of the Covenant the Dominions were not secured a distinct

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\**League of Nations today*, p. 170.

place, and for a considerable period the view was widely held both in British and foreign circles that such a distinct representation was not desirable. It was thought to be likely to impair Imperial unity, on the one hand, while foreign opinion deprecated the increasing of the voting power of any member of the League. Nothing but the most persistent eloquence of the Dominion Prime Ministers, supported by the British Government after it had become aware of the strength of the feeling of Sir R. Borden, Mr. Hughes, and General Smuts, prevailed on the great foreign States to concede the demand. It was impossible to convince foreign opinion that the Dominions were really autonomous, and indeed the doubt persisted for years after there had been seen the spectacle of the Dominions freely disagreeing with the United Kingdom at meetings of the Assembly." \*

### **Nature and Reality of the Status of India as a Member of the League.**

We might now advisedly study the different aspects of the status of India as a Member of the League, first on the constitutional and political sides, discussing later its effects as regards public opinion in India. The legislative and administrative effects of the Membership will also be considered. Obviously India has gained an enhanced status and great advantages through its Membership of the League which gives it an important "quasi-independence in her external relations." An important aspect of this status consists of the separate treaty-signing powers which all Dominions enjoy.

We have already seen that the Membership of the League on the part of the Dominions and India was looked upon with a certain suspicion by other states which were apprehensive that the British vote was being in effect multiplied by such entry. It was left for the course of events to demonstrate the reality of the Status of membership on the part of Dominions and of India. The course of events showed that India possessed within a wide range the power of independent action even though in some cases it brought her into conflict with the views of His Majesty's

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\*Keith, *The Sovereignty of the British Dominions*, p. 327.



Government. The Secretary of State acts in the case of such conflicts as the Head of the Government of India (rather than as a member of His Majesty's Government) and does not use his power or attempt to compel the Indian delegation in any way to align itself with the British Delegation. Though in matters of the highest political importance it is desirable that the Empire Delegations should work in concert, yet virtually the Indian Delegation enjoys the same freedom as the Dominion Delegations. The Association of Indians with important committees of the League where they have opportunities of advocating the point of view of India, and of modifying the policy of the League in view of Indian conditions, is of growing importance. Indian members have been taken up on the Governing Body of the international Labour Office, as well as upon the Advisory Committee on Opium and Drugs, the Economic Committee, the Health Committee, and the Committee on Intellectual Co-operation. Thus Sir Atul Chatterjee is a Vice-President of the Consultative Committee which was established to follow up the work of the Economic Conference of 1927.

It is obvious that in matters of high political policy, that is to say, on questions of foreign and Inter-Imperial affairs—it is necessary that the Empire delegates should act together. To use the language of Dr. Keith there are very cogent reasons why the Governments of the Empire should endeavour to concert action on such issues; and here the task of co-ordination must necessarily fall on the Secretary of State. But, for the rest, and on other issues there can be no doubt of the power of independent action of Indian Delegation which has often taken separate action to safeguard the special interests of India and has in some cases acted in opposition to the course adopted by the British Delegation. “There are many issues which come before the Council and the Assembly on which divergence of views within the Empire cannot do any harm and may easily tend to promote more satisfactory results, for there is no *a priori* reason to suppose that either the United Kingdom or the Dominions possess an exclusive monopoly of political intelligence. It is indeed most probable that in the Council, if they represent slightly divergent views,

they would do more for the benefit of the League than if they were in accord.”\* Both India and the Dominions have acted often in the spirit of these remarks. Thus, at the Labour Conference of 1922 on the question of the reform of the Governing Body, the Indian Delegation managed to win over the British Delegation to their point of view. Similarly at the Assembly of 1923, fresh instructions were issued to the British delegation in order to meet the wishes of the Indian Delegation on the matter of allocation of expenses of the League. As regards the problem of the distribution of raw materials, again, the Dominions and India energetically supported the negative position, “contrary to the attitude of the British member of the council, who had on that body given his approval to the project that an enquiry should be held to investigate the issue of the distribution of raw materials.”\* At the Conference on Opium and Drugs in 1925 the question of Indian hemp was settled in a manner satisfactory to India with the support given by the British Delegation in accordance with instructions issued. At the Labour Conference of 1919 & 1921 the Indian delegates were able to obtain the insertion of articles in the Conventions on Hours of work and the Weekly Rest day expressly applying to India, and providing for an easier *regime* in view of the special conditions of Indian Industry. So also special attention was drawn to Indian interests by our delegations at the Arms Traffic Conference of 1925, the Passport Conference of 1926 and the Transit Conference of 1927. Similarly in the Barcelona Transit Convention of 1921 and the Geneva Convention on Import and Export Prohibitions and Restrictions, special provision was made to meet the peculiar circumstances arising from the existence of foreign enclaves in the British-Indian territory.

There are also some cases of marked divergence and opposition between the views of the British and Indian Delegations which should receive due notice since they form the acid test of the independence enjoyed by the Indian Delegation. The Indian Delegation, for example, has always striven for forwarding the

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\*Keith, *Sovereignty of British Dominions*, pp. 344 and 339.

cause of economy even in those cases where the British delegation has been inclined to be generous. Indeed in the years 1920 & 1921 the campaign of the Indian Delegation in the cause of economy led to the establishment of the Supervisory Commission and to a general reform of the League finances. Again in 1923-24 the Indian Delegation secured the rejection of the British proposals on the question of the compulsory disinfection of wool against anthrax at the Labour Conference. An even stronger case of divergence of views occurred at the Labour Conference on maritime questions in 1920 when the Indian delegation successfully championed the cause of lascars and of special treatment for Indian seamen.

### **Anomalies of the New Status of India.**

As has been said, India has secured the international status quite comparable with that of the Dominions in advance of the attainment of full autonomy in her internal affairs. This is a rather anomalous position, but the anomaly though worth noting need not be exaggerated; and the adoption of a system of mutual consultation and agreement by the Secretary of State and the Government of India has made the working of the new system remarkably smooth. Naturally, India is not as yet in the position of the Dominions whose representatives to the Assembly of the League attend it under the sole authority of their own Governments. But the *modus operandi* adopted after 1920 avoids all difficulties regarding the appointment of Indian delegates by ensuring that as regards their appointment the Secretary of State always consults the Viceroy, so that there is a very desirable co-operation in the matter of the selection. The *locus classicus* upon this subject is the reply given to a question in the House of Commons on 14th July 1921. It was stated in that reply that the delegates were appointed by, and were responsible to the Secretary of State acting in consultation with the Government of India. The main principle laid down is that the appointments and instructions are subject to prior consultation, and the recognition of this principle avoids the difficulties of making a formal decision as to whether the Secretary of State or the Government in India is the proper authority in such questions. Accordingly, care is taken to avoid describing the delegates

in their letters of appointment as being appointed by the Secretary of State, and no mention is made of the appointing authority. The same phraseology is followed and used at Imperial Conferences, League of Nations Assemblies and at other Conferences, except in certain cases where the delegates are described as the delegates of the Government of India. Thus we have to note here the significance both of a principle of prior consultation and agreement as to the appointments and the phraseology expressing such appointment. The best proof of the wisdom of the compromise arrived at is the satisfaction felt on both sides.

There need be no surprise whatever that such an anomalous position should arise in the case of an incipient Dominion like India. Indeed, the position of the Dominions and the British Empire in the League Assembly has led to the rise of quite a number of such problems and anomalies;\* for the whole constitutional position of the Dominions is still a changing and dynamic one owing in part to the "the growth of the sovereignty of the Dominions and its present extent, as well as the limitations to which it is subject." As Dr. Keith who has written most instructively on this subject observes "there is much that remains obscure in Imperial relations generally and quite a number of outstanding problems still remain to be solved by the Governments and the peoples of the Empire."

### **The League and the Indian States.**

As we have seen, India, as an incipient Dominion has already made its contribution to such problems. Other special problems that have arisen owing to the special conditions of India are those of the position of Indian states in relation to the League and of the special position of the Indian prince in his character as a member of the Indian Delegation to the League. On both these matters very important questions arise—all interesting in the development of the constitutional position of the Indian states. For one thing, the problem has to be faced as to the extent to which Indian states are bound by Con-

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\*Dr. Keith, *Sovereignty of the British Dominions*, Chapter 17.

ventions to which India is a party, especially where the matter of the Convention relates to the sphere where the Indian states enjoy by treaty or usage varying degrees of sovereignty and hence where the influence of the British Government is confined to persuasion. Since the discussions upon the Slavery Convention of 1926, the difficulty has been met by making reservations, and inserting an article in the League Conventions which enable the parties to such Conventions to "contract out" as regards parts of their territories. Where that course cannot be followed—i.e., in the case of Labour Conventions—it was necessary to announce to the Secretary-General of the League that the obligation was accepted only for British India, although influence would be exerted to secure their observance in Indian states also.

Then again when considering the relations of Indian princes to the League it has to be borne in mind that as they are precluded from foreign relations, and hence have no separate international status they are not eligible for separate membership of the League; an additional complication of their position is that they do not consider themselves automatically bound by all the treaty obligations assumed by the Government of India.

The presence of Indian princes as members of Indian Delegations is to be welcomed, as also the Convention which is growing up, that one of the princes should ordinarily be serving on each Delegation. In a very important sense an Indian prince upon a Delegation can only represent all India and not Indian states; at any rate he cannot be said to be the representative of the Indian states in any strict sense of the word, since there is no machinery at present by which the Indian states can select a plenipotentiary of their own. This does not of course rule out any future development of such machinery; and even at the present day the position of the Indian prince on the Delegation is not without its peculiarity, in as much as in his case a greater regard for the interests of Indian states and for their special point of view is only natural and presumable.

We have already seen that as the result of the membership of the League on the part of India the international status of the

country has progressed and developed in advance of her constitutional position as defined by the Government of India Act. This has been all to the advantage of India, since she has been considered to have attained the same kind of separate nationhood as that enjoyed by the Dominions, much before attaining the same equality in the internal sphere. Similarly, it might be added that as regards the political co-operation of British India and the Indian states, the ideal of co-operation has been reached earlier in the external relations of our country than in the internal sphere. As regards the latter we are still discussing the potentiality and lines of federation, while, thanks to Indias' being brought into contact with the League the co-operation between the Delegates from British India and those from Indian states in important external relations is already a *fait accompli*. Obviously here are advantages which India has secured which are of great importance, in as much as the two great sections of the country—British India and Indian states—are learning how to co-operate in the common external interests of the country and how to unite and combine their interests.

Nor are even these the only great advantages secured through Indias' Membership of the League. The close and continuous contact with the functioning of the League is bound to supply the much needed stimuli for the development of national consciousness, for the perfection of national life and the preparation of the nation for its great tasks. An environment in which Indias' delegates are serving on different committees of the League and are familiarising themselves with the great international problems as well as co-operating on equal terms in their solution cannot but prove efficacious in the promotion of national spirit, and statesmanship. So far the task worked at by Indian politicians had been mainly that of criticism of internal policy. But a truer perspective of India's national problems will be gained from the vantage ground of international policy and co-operation. A broader outlook and more constructive capacity constitute no small gains for our leaders; nor is the growing knowledge of the work and aims and potentialities of the League of less importance for laying the foundations of an informed public interest in



international affairs in the case of India. The literature of the League, the reports of Indian Delegations on the Assembly and on the various committees and conferences of the League, and the discussions on matters relating to the League in the Indian Legislature are so many elements which go to form the well-informed public opinion to which a great deal of importance is deservedly attached. But there is a large volume of supplementary work of the highest value left to be done by our Indian universities. It is a welcome sign of the times that some Indian Universities have adopted in their curricula a course of instruction on the work of the League. In some other universities of this country the curriculum of Civics covers this field to some extent. But we can go further in this desirable direction and have special papers in the Honours courses and in post-graduate instruction devoted to the work of the League.

Nor are there wanting important proofs of the direct influence of the work and propaganda of the League and of the International Labour Office upon policy and legislation in India. The progressive social and labour legislation which India has been enacting owes much of its guiding influence to these institutions. No doubt India would have of its own accord trodden the paths of such reforms; but the progress has no doubt been the quicker for such stimuli and encouragement. Mr. Clow in his work on *State and Industry in India* has remarked that the work of the League as well as that of the International Labour Organization formed a new factor in the situation leading to the decision to make subjects concerning the welfare of labour a matter of central legislation in India. He adds that the "ten sessions of International Labour Conferences were held between 1919 & 1927 and the submission at intervals of conclusions reached by the Conference to the Legislative Assembly, and the Council of State have been instrumental in stimulating public interest (in India) in labour questions and at times in initiating measures which might not otherwise have been adopted.\* The extent of this influence can be judged from the fact that India has ratified no fewer than eleven of the draft Conventions adopted at International Labour

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\*Clow, *The State and Industry*, p. 141.

Conferences and nine conventions or international agreements (besides minor instruments) promoted by the League. Other instances of the influence of Geneva and of the new internationalism will easily occur to any one when he considers the Indian Factories Act of 1922 and the Indian Mines Act of 1923, as well as certain amendments effected in the Indian Penal Code. The former were influenced by the Washington Labour Convention of 1919, and the latter by the International Convention for the Suppression of the Traffic in Women and Children (1921). At the same time the influence of Indian Delegations in the construction or modification of these Conventions need not be minimised, and thus in a sense India is a joint author of these valuable and epoch-making conventions. It might be also added that "the ratification of the Customs Convention of 1923 has resulted in certain minor changes in the Customs administration in India." Then again on the topic of Public Health, India has felt the beneficial results of the action of the League in quite a number of ways e. g. through the operations of Epidemiological Bureau at Singapore and through interchanges in the health personnel of different countries. Take, again, the action of the Advisory Committee of the League on Opium and Dangerous Drugs through which India has agreed to a system of requiring certificates from Governments of importing countries before allowing exports from India, and to a further system of exchange of information aimed at checking illicit traffic. Such influence of the League on the Social, Economic and Administrative side is bound to increase as the League expands its activities in these directions. It has been well observed by Roth Williams that through the League's work on the aspects of Economic, Social and Sanitary progress "the necessary officials have been set up, knowledge and experience gained, contacts established between the governments concerned and methods worked out by which they can co-operate; the whole machinery is ready and all that is needed is an intelligent will in governments and public opinion to set it doing the work of reconstruction, for which it was created and which must be done." \*

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\*Roth Williams, *The League of Nations To-day*, p. 96.

It will be pointed out later that on the economic side India has benefited by the efforts and studies carried out under the auspices of the League. We shall refer to the efforts for a reduction of tariffs made by the League—a matter of no small importance to India. Here it might be emphasised that, as an agricultural country, India is deeply interested in the studies which are being prosecuted by the Economic Organisation on the international aspects of the agricultural problem. Writing on this subject, Sir Atul Chatterjee has urged that a certain number of enquires fall within the purview of the Economic Committee of the League of Nations, which may be summarised as follows:—

- (1) The effects on agriculture of rationalised purchase by large-scale industrial combines. This enquiry follows naturally from that already started into the scope and methods of International Industrial Ententes.
- (2) The effects of export bounties and import tariffs on agricultural products.
- (3) The causes and effects of fluctuations in the prices of agricultural products, and the discovery of possible safeguards.
- (4) The extent and effects of the spread between the prices paid by consumers, and the prices secured by producers, of agricultural products.

These enquiries will secure the most valuable results if conducted in close co-operation both with the International Institute of Agriculture and of the International Labour Office whose efforts in the more technical fields of agriculture will produce valuable data for our enquiries, and they will doubtless benefit also in their turn by the results of these enquiries. As the Economic Organisation has many other subjects to deal with, the Indian Delegation has been putting pressure on it to emphasise this study of agricultural problems.

While we are dealing with the economic side of the League's work, a reference might be made to Sir Arthur Salter's recent visit

to India and to his valuable Report on Economic Councils in India. As one of the Indian Delegates to the Assembly of the League in 1931, the present writer had the pleasure of paying his tribute to that valuable piece of work. Not only is the formation of such national councils valuable in the interest of the economic planning and development of national life, but their existence is of the greatest importance for securing the object of International Co-operation. International Co-operation in Economic matters can be properly based only upon the resolutions and deliberations of such authoritative national institutions as the Economic Councils. This important aspect of the National Councils was well emphasised also by M. Carrasco the Rapporteur of the Financial work of the Second Committee in 1931; "International economic co-operation could no doubt attain more considerable results if the principal elements in each of the national economic systems having been associated in good time with the preparation of these results, were disposed to accept the obligations which their Governments might enter into in the international sphere. Further, a more or less direct participation of the different economic circles in the studies, researches and debates initiated by the League of Nations with regard to problems of common interest, would be likely to prepare in each country an enlightened body of public opinion giving international agreements the best chances of success."

In the course of future history the work of the League the inculcation of the international points of view and internationalism which has been promoted by the League might easily save the world from the potential evils of that excess of nationalism from which other countries and continents have suffered. No one denies the high value of nationality as a political ideal; but uncontrolled and unchecked national rivalries both on the political and economic side cause a lot of harm and it is all to the good that internationalism and the spirit of world unity should enter to save the world from those excesses for which Nationalism or indeed any other political ideal has served as a cloak. In the future we can be sure that there will be great movements of population and other political and economic changes not only in the West but in the East—

say on the coast of the Pacific and in the Eastern archipelago. If these changes could be brought about peacefully and consistently with the just interests of all concerned, Asia will have reason for gratitude.

In an excellent study of Japan's interest in the League, Dr. Matsushita has indicated the main reasons which justify Japan's Membership of the League. That study will prove of interest to us in India as well. These three reasons are—"the publicity value of the League, the desire for more complete recognition as a great power and racial equality". These advantages adds Dr. Matsushita outweigh the disadvantages of the connection in the case of Japan of which the financial obligation and burden constitutes but one item. Japan is obliged under the Covenant to abandon a large portion of her former freedom of action as regards making of wars or alliances. We might observe that if anything, in the case of India the balance of advantages is greater. We too have the ideal of racial equality to uphold and we also gain by recognition of our international status as well as from the publicity value of the League. The disadvantages—apart from the financial burden are fewer in our case, since Pacifism has been our ancient tradition, faith and practice.

In order further to appraise at their true value the advantages of our Membership of the League we might consider how such benefits are appraised by the publicists of those countries which do not enjoy such Membership. Thus Prof. Manley O. Hudson has been writing recently of the disadvantages which the United States in spite of vast resources, position and prestige have been suffering on account of their isolation from the League. Prof. Hudson's main and unanswerable contention is that no country can afford to keep out of the great movement for organized International Co-operation. America pays for its isolated position, by its inability to put forward proposals and programmes for the organs of the League to carry out or to participate in forming the lines of work of International Conferences. That great country has also no part in the formation and working of the Permanent Court or in the drawing up of any of a large number of inter-

national conventions. Even from the point of view of national self-interest America loses a great deal by its isolation from the League. \*

### Methods of Increasing the Influence of India in the League.

In view of the present and future advantages to India from its connection with the League the policy of India should be to increase her influence and to strengthen her position in the League. In view of the present advantages, and particularly of much larger advantages to be expected from the connection with the League, it is not the true policy for India to make too much of her financial sacrifice. Undoubtedly the sacrifice is a heavy one; but looking to the potential improvement of our international status it is not too great. In this connection our attention should be directed to prepare the ground for an Indian representative's election to the Council of the League. And with reference to that it would be well to bear in mind the development of the group system which is going on within the League. These understandings and conventions are still in the course of growth, and indeed the question of the composition of the Council will take a long time to decide. India should therefore adopt a far-sighted policy in this matter. An understanding appears to be growing up according to which the Little Entente considers itself entitled to one seat on the Council, and the Northern European States including Holland desire a recognition of their claim to another seat. Latin America is in the process of staking in a claim for no less than three seats. Then the Dominions of our Empire are starting a convention that one or the other of them should be always on the Council. Coming to Asia, Japan has of course a permanent seat; and it is being considered only reasonable that one Asiatic state in addition to Japan should have a seat on the Council. Needless to say that in the development of such a policy India is deeply interested, for in course of time she herself should obtain a seat on the Council.\*

In supporting the claims of China and South American countries to seats on the Council the Japanese representative argued

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\*Cf. *Annals of American Academy of Political and Social Science*, July, 1931.

\*Cf. Howard Ellis *op. cit.* pp. 156—7.



that geographical considerations must be taken into account. And if geographical or even cultural and political considerations too are to be taken into account, the claims of India to a seat cannot be gainsaid. With a seat on the Council India can do a great deal of good to the cause of peace, to the settlement of international disputes and can become the champion of nations which are backward economically or politically. As regards Indian aspirations in this direction the Indian Delegation of 1929 expressed itself in its report with enthusiasm and hope: "Election to the Council is the aspiration of all States Members who are not entitled to permanent seats and who take their League membership seriously. So far as the relative importance of States Members may be gauged by the proportion of their contribution to the expenses of the League, India stands above all those States which are not entitled to permanent representation on the Council. India cannot be expected to deny herself the aspiration of being elected to the Council. She was admitted to the League on equal terms with all other States Members, and it hardly seems too much to claim that her colleagues should freely recognise this fact. The facts that the Indian Delegation has been led by an Indian, and that the Optional Clause has been signed on her behalf by an Indian, are recent testimony to the reality of her independence as a member of the League. We hope that this testimony will be supplemented and reinforced, in any way that may be required to make it clear that if India were elected to the Council the attitude of her representative would be the attitude of the country which he represents no more and no less than in the case of other countries. There is no formal candidature, but there are means of indicating and of ascertaining whether a country is hoping to receive votes. We trust that steps will be taken on the first suitable occasion to make it known that India is to be regarded as a candidate. It is not, in our opinion, necessary to wait until there is a good chance of actual success. It would be worth while to cultivate the idea that India is an effective candidate by collecting and registering a moderate number of votes on the first available opportunity."

As the Secretariat of the League has been compared to an international civil service, India must try to improve her position

in it. Such being the importance of the matter it will be to the interest of India to strengthen the Indian element in the Secretariat. To do them justice there are at present a number of capable Indians in the Secretariat. But we must lose no opportunity of increasing their numbers and the weight that they command. These posts command rare opportunities of studying international politics at their very centre; and we must therefore make such arrangements that the very best men that Indian Universities can produce, should secure employment in the Secretariat. On this subject also the Indian Delegation of 1929 made some useful recommendations: "The number of Indians employed in the Secretariat of the League, and the position which they have so far occupied, are conspicuously inferior, in our opinion, to the relative importance of India as a country, and to the place which India should rightly occupy among the States Members of the League. Appointments are exclusively within the discretion of the Secretary-General. With this we have neither the desire nor the right to interfere. We are conscious of his goodwill, and we appreciate his difficulties. The representation of different countries is not, and should not be, a predominant factor in building up an international Civil Service. But countries are not, and cannot be, completely indifferent to the extent to which their importance is reflected in the constitution of the Secretariat. The marked under-representation of an important country will have an unfavourable influence on the spirit in which it contributes to the work of the League, and will affect the qualifications of the Secretariat itself for discharging its duties with a full realisation of the interests and influences involved. The point has often been made before, and we ourselves repeated it at this Assembly. It is particularly important that whenever an opportunity occurs no effort should be spared to find and *put forward candidates of the highest possible qualifications.*"

The same Indian Delegation went on to recommend means for strengthening the ties and means of co-operation between India and the League, and to strengthen the interest felt by India in League affairs. It expressed a desire for the appointment of permanent representatives of India at the head quarters of the

League in order to enable the Government of India to be better informed as to affairs at Geneva. In the second place, means were indicated for increasing the interest of the Indian Legislature in the work of the League: "So far the Indian Legislature has not displayed much interest in the League. It is not for us to suggest why this has been so. We would rather confine ourselves to suggesting how a broader, a more active, and a better informed interest could be generated. Accordingly we recommend that a standing Advisory Committee of the Legislature, analogous to similar bodies which already exist, should be created for the purpose of considering and advising upon all important matters arising out of India's membership of the League. It would examine the reports of delegates of India, with the collaboration, as far as possible, of the delegates themselves, who might be invited to Delhi or Simla for the purpose. Joint sessions might be arranged for the consideration of matters which are the concern of some other Standing Committee as well as of the League Standing Committee. The Committee will be free to make recommendations on matters in which they consider that representatives of India might take the initiative at international meetings organised by or held under the auspices of the League."

These are important and valuable suggestions which have been receiving careful attention from authorities in India. The contact of India with the League which is already so close and salutary will it is to be hoped develop further with the approach of Dominion status for India. The problem of the appointment of a permanent representative of India at the head quarters of the League is indeed already being widely discussed. But it is well to emphasise the proper and main reasons for securing such permanent representation at Geneva, since sometimes other sorts of reasons have been advanced. The important function of the diplomatic representative of a country at Geneva is to attend and to represent the interests of his country at the great number of Conferences and meetings held under the auspices of the League. Some impatience has been expressed in many quarters at the number of these meetings and conferences; but if international co-operation is to be a reality and not a sham such meetings and con-

ferences are necessary—and indeed as the range of such co-operation extends the occasions of such meetings must needs increase. The second main reason for the appointment of such a permanent representative is that the work of such meetings requires the possession of a wide range of technical knowledge; and the representative is to be the repository of such knowledge and of the experience gained at such meetings. Indeed, in the absence of such knowledge he cannot advise the Government of his country on such a variety of topics.

In a recent and very valuable study upon the subject of Permanent Delegations to the League of Nations, the value of such delegations to the state appointing them has been thus summarised: “A relatively inexpensive permanent delegate is much more economical than expensive (occasional) delegations sent from (remote capitals like) Buenos Aires or Tokio. For small states not represented on the Council and without many nationals in the Secretariat the permanent delegate may be more valuable than for larger powers more generously represented there. The permanent delegate’s services of information and advice are valuable to the home government, his social and personal aid to fellow nationals in Geneva is of at least some importance, and having him in Geneva is certainly better than having no delegate at all at this or that conference, as would at times be the case for many distant and not over-wealthy states. He may become very much of an expert at the task, and thereby become very valuable indeed.”\* There are other functions, too, of such permanent representatives—that of tendering advice to League authorities (possibly from the point of view of national interests) and that of contributing the share of their national governments in the support and promotion of the work of the League. The same instructive paper has much to say as regards the anomalies of the diplomatic status of these delegations—since “they are not necessarily accredited to the League, the Secretariat or to any other public authority. They do not always possess the power to speak authoritatively for the states which have appointed them.” In fact the institution of Permanent Delegations is still in the earlier stages of its evolution.

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\*Cf. *American Political Science Review*, February, 1931.

There can be no doubt as regards the advisability of discovering suitable means for increasing the interest of the Indian Legislature in the work of the League; or of providing the Indian administration with suitable machinery for a more intensive or adequate treatment of League questions. It is also well to emphasize the necessity of some measure of continuity of the personnel of the Delegation. There is perhaps a tendency to over-emphasise the importance of the "instructions" given to the Delegation. True, as regards the questions of high political importance the Empire delegations should show a united policy and this is both advisable and necessary. But generally speaking it can be affirmed that our Delegates from India do not find themselves hampered by instructions and that a free hand is given to them. Speaking from experience it might be added that when members of the Indian Delegation choose to take the initiative in any matter on judicious lines they never discover that their instructions are hampering them.

With the expansion of the scope of the work of the League and with the evolution of the constitution of India, the value of the contact of India with the League will increase. Although we are here in the region of political prophecy it is quite safe to assume that in course of time India will attain Dominion Status. The advantages that will arise, and grow from more to more, have however to be looked for in the right direction and it is best to avoid any misconceptions on the subject. Thus some have suggested that the League might help to settle the communal problem of India; but, while we might with advantage adopt hints from the League's settlement of minority problems in Europe, yet we can take it that any direct solution of the communal trouble by the League is impossible. For the Communal problems of India are domestic matters and concerns of the parts of our Empire *inter se*. Then again it has been suggested that the Permanent Court might be utilised as a forum for settlement of controverted questions between India and the Dominions. Here again we have to consider that in the opinion of the Imperial Conference of 1926 "none of the Governments of the empire would take any action in the direction of the acceptance of the compulsory jurisdiction of that Court." It is in other directions that the solid advantages of India's membership of

the League have to be looked for. These real benefits will be seen in the certain event of great political and economic changes taking place in Asia and even in other parts of the world in the facilitation of the necessary adjustments. Again the formulation of sound world policies and common points of view on subjects like commercial treaties, tariffs, access to raw materials and movements of populations must needs be of great advantage to India as to all nations. Nor is this all. India will be benefitted in future by the full and unstinted recognition of her as a political power and through exercise of that great influence in the councils of the world which is her due. A seat on the council is not at all beyond her grasp, and her participation in the supervisory function of the Council will enable her to pull her full political weight and to help to decide not only matters that affect her own interest but to settle international disputes. She can thus not only contribute to the peace of the world and increase her own prestige but help to promote the success of every worthy cause in the world. Her ideals can be realised in the guidance of the practical politics of the world. And what more can India—the ancient home of sacred Aryan ideals—desire ?



## APPENDIX.

### INDIA AND THE LEAGUE OF NATIONS.

#### Address by Sir B. L. Mitter.

Addressing the Calcutta Rotary Club on 22nd December, the Hon'ble Sir B. L. Mitter, Law Member, Government of India, said :—

I deem it a great privilege to be given an opportunity to address the Rotary Club. The subject chosen by you, Sir, is singularly appropriate. Rotary stands for international good will while the main purpose of the League of Nations is international peace. Before I begin my address, I wish to give a word of warning. In approaching the subject, my choice lay between the descriptive and the informative ways. After some hesitation, I chose the latter which though less attractive, may be more useful. My address therefore is likely to be dry and dull, and it will need all your patience to hear me through.

The League of Nations is an international society designed to keep peace for the future between all nations. The Covenant of the League of Nations came out of the Peace Conference. It consists of a Preamble, twenty-six Articles and two Annexes. They lay down briefly who the members were to be, what work it was to do and how it was to do it.

The Members of the League of Nations are States. Article 1 Part 1 of the Covenant provided that the original Members of the League of Nations should be, first, those of the Signatories of the Treaty of Peace which were named in the 1st Annex and secondly, such of those other States also named in that Annex as should accede without reservation to the Covenant.

Part 2 of the same Article provided that any fully self-governing State, Dominion or Colony not named in the Annex might become a Member of the League if its admission was agreed to by two-thirds of the Assembly of the League.

Thus there are (1) Original Members and (2) Members subsequently admitted. Before the last Session of the Assembly at which I had the honour of leading the Indian Delegation, there were 54 Members. By a unanimous vote of the Assembly, Mexico was admitted as a Member and the number is now 55.

A question has often been asked as to India's position in the League, as she is not a self-governing State, Dominion or Colony. To appreciate the position fully, it is necessary to go back to the Imperial War Cabinet of 1917-18 which after the armistice was transformed into the British Empire Delegation to the Peace Conference. The representation of the British Empire in the Conference was subject of some controversy. Eventually, the Canadian, Australian, South African and Indian Governments were allowed two representatives apiece and New Zealand one, with the same right of appearance and audience as the minor Powers. Difficulties arose regarding the question of the new League of Nations. Here again the solution was found in allotting these States independent votes in the Assembly on the basis of their being independent Signatories of the Treaty of Peace. India, thus, by virtue of the part she took in the Great War, was treated as one of the High Contracting Parties and as such was one of the Original Members of the League. India might not pass the test if she had to seek admission under Part 2 as a self-governing State. But she came under Part 1 as an Original Member being a Signatory of the Treaty of Peace.

Once a Member of the League, India's status in that international society became one of absolute equality with the other State Members. For instance, she has the same status as any other Member *vis a vis* the Permanent Court of International Justice, or the International Labour Office, the Assembly, Council or Secretariat of the League. In fact, for nearly a decade India has had a place in the Governing Body of the Labour Organization and this year our distinguished countryman Sir Atul Chatterjee, was elected Deputy President of the Governing Body. In the Treaties and Conventions formed under the auspices of the League, India, along with the Dominions, is duly conceded the status of a State. In

stating the position in these general terms, I do not intend to convey that there has never been any diminution of the status, but on such occasions India was not worse off than any of the Dominions in the British Empire. In short India's status in the League is the same as that of Canada or Australia. She is a full member independent of Great Britain.

India, as a Member of the League, comprises both British India and the Indian States.

In illustration of the independent status of India in the League, I may refer to the numerous international Agreements and Conventions to which she became a party independently of Great Britain. I shall mention a few—

1. Permanent Court of International Justice and the Optional Clause.
2. Convention and Statute on Freedom of Transit.
3. Convention and Statute on the Regime of Navigable Waterways of International Concern.
4. Declaration recognizing the right to a Flag of States having no Seacoast.
5. International Convention for the suppression of the Traffic in Women and Children.
6. International Convention for the suppression of the circulation of and traffic in obscene publications..
7. International Convention relating to the Simplification of Customs Formalities.
8. Convention and Statute on the International Regime of Maritime Ports.  
(British Reservation).
9. International Opium Convention.
10. Prohibition of the use in War of asphyxiating, poisonous and other gases.
11. Slavery Convention.

12. International Relief Union.
13. The General Act—(Pacific Settlement of international disputes).
14. International Convention relating to Economic Statistics.
15. Whale Fishing Convention.
16. Labour Conventions.

It may interest you to see an Original Power by virtue of which the representative of India signs the international Agreement.

This is a landmark in the constitutional development of India. An Indian is appointed by His Majesty his Plenipotentiary to sign international Treaties, Conventions and Agreements for the Empire of India.

From the mere recital of the Conventions and Agreements I have mentioned, you cannot fail to notice the wide field of human concern in which different nations have a common interest and the inter-dependence of Nations. The Conventions and Agreements show that States are in matters of common concern abandoning the position of national isolation in favour of international co-operation. Leading citizens of different nations, men great in their respective spheres of action meet at Geneva year after year, exchange ideas and come to appreciate other points of view. The result is that trust takes the place of suspicion and each succeeding year sees the steady extension of the field of international co-operation. I shall mention a few subjects which have been brought within the sphere of discussion, but on which no general agreement has yet been reached. They are—

1. Progressive Codification of International Law.
2. Unification of Commercial Law.
3. Unification of buoyage and lighting of coasts.
4. Unification of River Law.
5. Road Traffic.
6. International Agricultural Mortgage Credit.
7. Concerted Economic Action.

At Geneva, the nations of the World are seeking to find points of contact with one another, with a view to create a World Society, an international public opinion, and the substitution of moral force for physical force.

Now, you will permit me to say a few words on the purpose of the League, the structure of the League and the scope of the League's activities. The League of Nations is primarily an instrument for international peace. The Preamble of the Covenant lays down the principles governing this new instrument.

The League of Nations has therefore a double purpose, to achieve international peace and security, *i.e.*, to prevent future wars by establishing international relations on the basis of justice and honour, and to promote co-operation, material and intellectual, between the nations of the world, that men's lives may become easier, happier and nobler.

The twenty-six Articles which constitute the Covenant of the League of Nations provide for the application of the principles contained in the Preamble. The action of the League is effected through the instrumentality of an Assembly and of a Council with a permanent Secretariat. The Assembly consists of Representatives of all the State Members of the League. At meetings of the Assembly, each Member of the League, large or small, has one vote each. It is the organ of the League whose work is most closely followed by the public, and whose meetings owing to the publicity afforded to them, have the greatest reaction on world opinion.

The Council may be said to be the Executive Committee of the League. It consists of fourteen Members—five permanent and nine non-permanent members holding office for three years. The five permanent Members are Great Britain, France, Germany, Italy and Japan. The non-permanent Members are elected by the Assembly from among the other States.

The Secretariat has been described as the Civil Service and the Permanent Court of International Justice at The Hague the Judiciary of the League.

The Secretariat is a remarkable and unique international unit. Its members, from the Secretary-General downwards, are the servants of the League of Nations and of no one else. They are drawn from practically every nation included in the League. I shall quote a passage from a well-known book on the League vividly describing the Secretariat—

“When you enter the Hall of the large hotel on the shore of Lake Geneva where the Secretariat is housed (the Secretariat has since got its own office) the first man (or for that matter woman) you meet is likely to be an Italian, the second a Japanese, the third a Canadian, the fourth a Spaniard, the fifth a Czechoslovakian and so forth. All of them retain their own nationality, but none of them owns any official allegiance to the Government of his country. Their allegiance is to the League alone. They are appointed by the League and paid by the League, and their first and last duty is to do the League’s work. In this day-to-day activity, they work side by side as servants of the League, with differences of nationality almost wholly forgotten.”

The three Bodies I have mentioned namely, the Assembly, Council and Secretariat are supplemented by certain Technical and Advisory Bodies. Without going into details, I shall mention the more important ones which will show the scope and variety of international co-operation on which the League is engaged. There are the Technical Organizations dealing with—

- (1) Communications and Transit.
- (2) Health.
- (3) Economics and Finance.

There are *permanent* Advisory Committees dealing with—

- (1) Military, Naval and Air Organizations,
- (2) Mandates,
- (3) Opium,
- (4) Traffic in Women and Children, and
- (5) Intellectual co-operation.



Then, there are *temporary* Advisory Committees and Preparatory Commissions dealing with—

- (1) Codification of International Law, and
- (2) Preparatory Disarmament Commission.

Next, there are Administrative Commissions and officials dealing with special problems, such as—

- (1) Saar Governing Commission,
- (2) Danzig,
- (3) High Commissariat for Refugees,
- (4) Greek Refugees Settlement Commission,
- (5) High Commissariat for Settlement of Bulgarian Refugees.

Lastly, there are three International Institutes—

- (1) International Institute of Intellectual Co-operation at Paris,
- (2) International Educational Cinematograph Institute at Rome, and
- (3) International Institute for the unification of Private Law, also at Rome.

Associated with the League are two other essential and autonomous Organizations, namely,

- (1) The Permanent Court of International Justice, and
- (2) The International Labour Organization. The Permanent Court of International Justice was established under Art. 14 of the Covenant.

The Court sits at The Hague in the Peace Palace built with the generous gifts of Andrew Carnegie and of a number of Governments. It consists of eleven Judges and four Deputy Judges chosen from distinguished jurists of the world.

It would take me long and would certainly weary you, were I to describe in detail the structure and work of the Labour Organization. It was established in pursuance of Part III of the Treaty

of Versailles and its Preamble is often referred to as the Labour Charter. I shall content myself by reading the Preamble and the principles which guide its policy.

Sir, I have already trespassed too long on your time. But I cannot conclude without drawing specific attention to the activities of the League in which India is directly interested.

We are interested in all the technical organizations—namely, Communication and transit, Health, Economics and Finance. The League sent out a Malaria Commission to this country and we are in touch with the Bureau at Singapore. Sir Arthur Salter came out last year to advise us on economics. A League Commission on Traffic in Women and Children is in India at the moment. We have taken part in the discussions on the Codification of International Law and Unification of International Law and Unification of Private Law. India is taking a leading part in Intellectual co-operation and in the Labour Organization. The Government of India steadily attempts to carry out the obligations of International Agreements and Conventions to which India is a signatory. We do so through legislation and executive orders. We cannot indeed play any important part in the supreme question of disarmament. Our problems of defence in India are so different from the problems in Europe and America that I should hesitate to express any opinion except that any scheme of reduction of armaments, which must necessarily be founded upon a desire for peaceful settlement of international disputes, cannot fail to react on this country. It is in the spheres of intellectual, social and humanitarian work of the League that India can play an important part. Our efforts in these directions are being increasingly appreciated every succeeding year. From what I observed at the last session of the Assembly at Geneva, I am convinced that our Membership of the League is not a mere paper connexion. We have much to gain, as indeed, we have much to contribute. The association with the best minds of fifty-four nations is a privilege which, if properly utilised, is bound to ensure to boundless benefit to our country. Unfortunately, knowledge about the League is extremely scanty in this country. The League

is taking steps to establish a permanent office in India, mainly for the dissemination of information. My considered opinion is that India should also have a permanent establishment at Geneva if we are to get full value out of our Membership of the League. Next to a permanent office, we should send of our best to Geneva and keep up the continuity of personnel, so that the increasing influence which we are bound to acquire may result in increasing activity of the League in India. What is wanted is that our people should know what the League is doing and take more interest in how the streams of international co-operation are fertilizing arid fields of national isolation. I have no time to recount the immense benefits which alert nations have got out of their membership of the League. The League is ever willing to give its Members expert assistance on any subject coming within its scope and as I have shown, the scope is fairly wide. Sir, the League of Nations is receiving the continued and intelligent support of the people of the world. India can, if she only will, occupy a prominent place in that international society with benefit to herself and humanity at large.

Before I sit down, I should like to give you my impression of the last session of the Assembly held in September. The Indian Delegation consisted of three Delegates and three Substitute Delegates. We took our instructions from the Secretary of State in London and the India Office gave us a Secretariat. The beautiful town of Geneva was *en fete* for the occasion and the hotels facing the Lake displayed the colours of the different nations gathered together. The big hall, in which the Assembly met, presented a striking appearance. There were some of the greatest men of the world who were making history. Foreign Ministers and Ambassadors, Chancellors and Professors experts of world-wide reputation, grey-haired statesmen who had borne the burden of empires and enthusiastic reformers with visions of a world federation, exchanged greetings and all imbued with the League spirit of equality and international good will. Keen to preserve individual national interests and honour, each seemed inspired to find points for corporate endeavour in the higher interests of world peace and advancement of the human kind. The atmosphere was friendly and helpful. In the Assembly, the speeches were cautious and restrained.

A definite change was noticeable in the lobby where the exchange of ideas was more open and the eagerness to understand the other man's point of view keener. Then came the six Committees to which the subjects for discussion were committed. Here it was that the real work was done. What I noticed was the readiness for compromise and the eagerness for a common understanding. A sharp difference of opinion was invariably followed by adjournments to enable informal consultations over a glass of wine in the evening, then came the social contracts at lunches, dinners and receptions. These were the occasions for the removal of misunderstandings and the consolidation of good will. Friendship were formed and influence created. After a few days little groups interested in the same question were found to meet at this hotel or that and subsequently greater appreciation of one another's arguments in Committee was distinctly noticeable.

One of the prominent features of the League of Nations is the publicity of all its proceedings. Some 100 journalists live in Geneva all the year round and during the last session of the Assembly the number swelled to 350 to 400. It is the most important centre in the world for international news and the formation of international opinion.

The few weeks I was at Geneva were strenuous weeks. But they were weeks when for the first time I felt the pride of nationality and realized that India had a place in the comity of nations.

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## CHAPTER II.

### PROMOTION OF DISARMAMENT AND ORGANISATION OF PEACE.

#### Machinery for prevention of War.

Prevention of war, it need hardly be said is the chief object if not the very *raison d'être* of the League. It has, as we shall show, made no attempt at all to minimise its responsibility in this respect; rather it has faced it in the most thorough spirit, and has attacked the different aspects of its task by a development of comprehensive machinery. It is most interesting and hopeful to watch the action of the League in its manifold lines of work in this sphere—all converging on the main point of prevention of war. Proceeding to enumerate these various measures of preventing war we might first mention the complex of measures coming under the term ‘Disarmament.’ Here we have also to note not merely the reduction of armaments but also the control of manufacture of as well as of the trade in arms. Then we shall glance at the Draft Convention for Financial Assistance to states threatened by aggression; for the extension of credit to injured states is naturally a most important factor in the machinery for providing security. We might next survey the work of the Committee on Arbitration and Security in drawing up a draft Convention to strengthen the means of preventing war. That the work of the Committee on Arbitration and Security is an important supplement to the policy of Disarmament is obvious from the remarks of Sir Eric Drummond that the Committee “was to be an emanation of the Preparatory Commission,” and that the series of model Conventions and treaties which it produced gave to states “which regarded the degree of security provided by the Covenant as inadequate the possibility of obtaining subsidiary guarantees.”<sup>1</sup> Proceeding further, some aspects of the work of the Permanent Court of International justice might be noticed; for that Court in its ‘voluntary jurisdic-

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<sup>1</sup>Drummond, *op. cit.* p. 88.

tion' decides on matters in dispute which the parties agree to refer to the court, if and when they cannot settle the dispute themselves. It might be noted here that the Optional clause is in the nature of "a compromise between the partisans and opponents of compulsory jurisdiction." The utility of a Permanent Court of eminent jurists supplemented by Conciliation Commissions and Arbitral tribunals in the maintenance of peace and prevention of war is, of course immense. But the value even of such tribunals' work will be enhanced and their contribution to the cause of peace be supplemented by the gradual codification of International Law; for "the disputes between states will automatically become fewer and rarer as the law becomes more precise and unified." Finally no review, however brief, of the League's work in the prevention of war could be complete without some mention of the exertions put forward to secure a fair administration for minorities. The importance of this line of work for the maintenance of peace is obvious from the immediate antecedents of the Great War. For example, it was the discontent of the minorities in the Austrian Empire which led up to the beginnings of the War. Indeed, so important is the wise and sympathetic treatment of Minorities if war is to be prevented, that the suggestion has been made for the creation of a "Minorities Committee" in the future.<sup>2</sup>

### **Draft Treaty of Mutual Assistance.**

So far the efforts of the League in the cause of Disarmament have gone through three phases; and each of these stages has served to clarify and develop the necessary principles on which and the machinery through which the Disarmament to be carried out can be based. The Draft Treaty of Mutual assistance marks the first phase of the work; and the credit for that achievement was due to the Temporary Mixed Commission of which the composition was well fitted for its work of peace, since it was "a committee more or less denationalized in its collective nature" its members being "neither entirely militarists, nor officials, nor technicians, nor the satellites of statesmen." \* The Draft treaty which was its handiwork was a

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<sup>2</sup>Greaves, pp. 15—16.

\*Greaves, *op. cit.* p. 209.



document which laid stress on the principle of security as the proper basis of disarmament. To quote Lord Robert Cecil, "in the present state of the world, the majority of Governments could not carry out a reduction of armaments unless they received satisfactory guarantees for the safety of their respective countries; such guarantees should be of a general character." It was such guarantees that the Draft Treaty proceeded to provide. But in order to reconcile the English and French ideas on the subject there were to be both a general guarantee and assistance supplemented by special treaties or supplementary defensive agreements. Though in the end the Treaty was not adopted, the valuable principles adopted in it must contribute to the ultimate success of the cause of disarmament. For example the principle was laid down that "the High Contracting Parties solemnly declared that aggressive war is an international crime, and severally undertake that no one of them will be guilty of its commission." The necessary corollary of this principle was that all member states would bind themselves to assist any one of them who was the victim of aggression.

"The scheme embodied in the text of the Treaty of Mutual Assistance was then essentially of a political rather a legal nature. The aim of this treaty was to combine the resistance of all members of the League to any pact of aggression, or aggressive warfare on the part of any Power. This guarantee constitutes the general treaty and was designed to ensure that any state which might be the victim of aggression should ultimately emerge victorious." \* As to the problem providing immediate protection and security against aggression, that was to be solved, as has been mentioned, by a system of regional and supplementary defensive agreements. Further, no state would be entitled to the benefit of either the general or supplementary agreements for security unless it had begun to reduce its armaments. The Council of the League was to be given the power to decide which party was the victim of the aggression and to take measures for the application of economic pressure and the organization of financial assistance.

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\*Sir G. C. Butler, *op. cit.* p. 86.

## The Geneva Protocol.

Though the Treaty of Mutual Assistance did not meet with the success that was expected and which it deserved, its formulation of the essentials of Disarmament constituted a great advance and it served as the preliminary both of the Geneva Protocol and the Locarno Treaties. "It was an important step in the clarification of ideas, and gave institutional form to a concept previously held in a loose way by many persons; and in this concrete form it was possible to debate it in the Fifth Assembly. Two important steps followed it, the Geneva Protocol and the Locarno Treaty and Conventions. They could hardly have existed if the first step had not been taken." \* Mr. Greaves too emphasises the view that "the Mixed Committee can rightly claim the Geneva Protocol as being broadly its own handwork"; and he adds that it was the failure of the Geneva Protocol which made the Locarno agreements necessary. There was however, a certain change of emphasis assumed in the Protocol. While the Treaty of Mutual Assistance stressed security as the basis and ground work of disarmament, the Protocol laid the emphasis upon arbitration as a criterion of aggression. The adoption of the principle of compulsory arbitration by states was indeed never so unflinchingly advocated as in the Protocol. In the words of Sir Geoffery Butler "the whole agreement hinges round the scheme for compulsory arbitration. Article 4, which is the kernel of Protocol, abounds in subtle and ingenious devices for ensuring that a case shall be brought up for arbitration." †

There can be no question that such a measure was much in advance of its time. Indeed authorities are not wanting who point out that the adoption of the Protocol would have changed by implication the nature of the constitution of the League itself. "What the Protocol of Geneva does is to create a new and different League of Nations" says D. H. Miller in his "The Geneva Protocol"; and Prof. Bassett adds that the Protocol "left the Assembly and Council in existence, but by adopting compulsory arbitration it sliced off a

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\*Bassett, *The League of Nations, a Chapter in World Politics*, p. 231

†Sir G. Butler, *op. cit.* p. 91.

large part of the work the Council was called on to do and it diminished the likelihood that the Assembly would be called upon in a crisis likely to produce war. There is reason to think that the Assembly in passing the Protocol relished the fact that it would reduce the political activity of the Council—perhaps it did not stop to reflect that a League looking to arbitration or the Permanent Court to restrain war would have little use for its Assembly in political crisis, leaving to it, in the main the duty of dealing with its non-political activities. It would also have reduced the power of the Council.”\* The conclusion arrived at by Prof. P. J. Noel Baker is his excellent monograph on the “Geneva Protocol” is also to the same effect. “There are many who ardently desire every object for which the Protocol was made but who yet doubt whether it does not go too fast. Its authors were unaware of the greatness of their ambitions. There is no political question—be it the relations of Europe with Russia, the Franco-German problem, the Balkan unrest, the immigration issue in the East, or even the naval base at Singapore—which would not be profoundly changed if the system of the Protocol were once set up. Its authors knew that if many governments stood aside, their work, just because it was ambitious, must come to naught. They took the risks which they involved, because they believed that the government of the members of League in the five short years of its existence had learned to trust the international institutions through which they had already done so much. And that is the essence of the matter.”

The subject is so important that it is well to note what a high authority like Prof. Rappard says on the subject: “To my mind the Geneva Protocol in its present form is unfortunately no longer or rather not yet a matter of practical politics. If it be true that in 1919 the framers of the Covenant were ahead of the times as the development of the last six years tend to show during which, as we have seen, part of their most constructive work has been undone by the process of interpretation, how can it be denied of the authors of the Protocol?” He goes on to add: “Under the Covenant war is always deprecated but sometimes tolerated. Under the Pro-

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\*Bassett, *op. cit.* p. 243.

protocol all wars are forbidden. The Covenant seeks to promote the reduction of armaments. The Protocol becomes null and void if it is not effected. Under the *regime* of the Covenant the jurisdiction of the court is optional in justiciable cases. Under the protocol it is compulsory. Under the Covenant the peaceful settlement of non-justiciable disputes is more or less assured if the Council, to which such disputes are ultimately referred is unanimous in its recommendations. Under the Protocol a pacific settlement must be reached in all cases.”\* A League based on the protocol would be “built upon the ruins of the current dogma of untrammelled national sovereignty.”

It is interesting to trace from the pronouncements of two representative statesmen of Canada the reasons which weighed in Dominions against acceptance of the Protocol. Thus, as one eminent political leader observed, “Canada is realizing to-day, more intensely than she did in the time of the Great war what it cost her; she therefore naturally hesitates to undertake in advance rigid obligations which would render her liable to intervene in conflicts so far removed from her shores”. Similar was the dictum of another leading statesman of Canada: “I think it would be a very grave step on the part of this country so to contribute its own view as virtually to advise Great Britain to underwrite the security of the world”.†

What are the lessons to be gained from the discussions and deliberations regarding the Geneva Protocol? The great effort and its repulse show us the strength possessed at present by the conception of national sovereignty and the difficulty of any immediate frontal attack on that position. A practical project, whatever the high ideals which inspire it, must take account of prevailing conditions. Idealism is a mighty force yoked to the car of Internationalism and of general peace; and it will ultimately succeed. But great obstacles have to be overcome and we can only proceed, on lines of gradual evolution. The ideas of a system of universal guarantees and of a general regime of arbitration will someday

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\*Rappard, *International Relations viewed from Geneva*, p. 159 & 157.

†Armstrong, *Canada and the League of Nations*, pp. 156—157.

become a reality; but the time is not yet. Nevertheless the effort had been worth making in the interests of the gradual formation of a world opinion of the right character.

It speaks volumes for the strength and vitality of the movement for disarmament that even the failure of the Geneva Protocol did not interrupt it for a moment. On the one hand the very statement of the British Government which rejected the Protocol pointed the way towards Locarno in observing that "these objects can best be attained by knitting together the nations most immediately concerned; and whose difficulties might lead to a renewal of strife, by means of treaties framed with the sole object of maintaining as between themselves an unbroken peace". The effect of the Locarno treaties was to dispel any immediate fear of war between France and Germany. It is further significant that it was Mr. Austin Chamberlain, who had read out the statement against the Protocol, who was also the hero of Locarno. Nevertheless the world will look to Briand too with the admiration which his point of view as a Frenchman deserved: "It is not by an accumulation of strength that it is hoped to render war impossible, but by the bonds of mutual assistance and human solidarity. Opposite me sit the German delegates; that does not mean that I do not remain a good Frenchman, as they remain, I am sure, good Germans, but in the light of these treaties we are Europeans only."\*

### **Preparatory Commission for the Disarmament Conference.**

The other line of advance towards Disarmament was the formation of a Commission for going through the preliminaries of the organisation of a Disarmament Conference. Some might think that the period of five or six years which this Commission has taken to do its work is an unduly long one. But those who can envisage the real difficulties of the task will come to the opposite conclusion. Thus, a single problem like that of conscription would give rise to a long series of controversies and proposals. The first proposal of the advocates of disarmament was that trained reserves ought to be taken account of in estimating relative military strengths. - When this was turned down, "the milder suggestion"

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\*Bassett, *The League of Nations—A Chapter in World Politics*, p. 274.

was made that "states which practise conscription should consent to put only a certain proportion of their annual 'classes' of young men, coming of military age, through the mill". When this proposal was defeated in its turn, it was proposed by those who wished to reduce armaments that the period of training should be reduced to a uniform minimum figure. But even this proposal for the reduction of military strength proved too large for acceptance, and the conscription states would only state their own maximum of period of training which they did not propose to extend. Then there was the question of limitation of material, and whether there should be direct limitation of material, or budgetary limitation of material, or mere publicity. Viscount Cecil's advocacy of the method of budgetary limitation as the most feasible was opposed by the dissenting voice of America. Germany was the most emphatic protagonist of direct limitation, and held such limitation as a *sine qua non* of any acceptable convention. America indeed stood out for direct limitation, while Germany too argued for it. The commission finally adopted the principle of indirect or budgetary limitation by sixteen votes to three. These are but a few of examples of the difficulties in the way of the Preparatory Disarmament Commission. As the Geneva correspondent of the *Economist* sums up the matter, "it is just as well to recognise that there is no intention whatever on the part of one set of European powers to agree to any Convention which will deprive them of their military strangle-hold on another set of powers"\* On one side there was a disposition not to renounce that decisive superiority of land armaments which had been the consequence of victory in war. But the result of this attitude as to armaments was to intensify the insistence on the necessity of maintaining the whole framework of the Peace settlement in its entirety. As a leader in the journal which we have just quoted put it "the refusal to disarm and the refusal to revise the treaties are bound up with one another, and each, under the influence of the other, is bound to grow ever more intransigent with the passage of time".

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\*Cf. *Economist*: 15th November 1930, p. 906, as also the issues of the same journal on 21st March 1931 and 22nd November 1931.



The complications on the naval side were equally troublesome. There were questions about the capital ship tonnage mixed up with that of "pocket battle ships" built by Germany. Besides the question of the levels of the maximum tonnage of the different countries, there were the matters of allowing the elasticity of transfers from one category of ships to another as well as the matter of submarines. The controversies which raged on the topics of Disarmament have now been officially and authoritatively summarised: "Among the controversies (since settled or remaining still unsettled) have been whether all armaments should be considered as interdependent, or whether naval, military and air armaments should be limited separately; whether trained reserves should be included in the limitation of personnel; whether war material for land forces should be limited directly by numbers and weight, by annual expenditure, by some combination of these methods, or whether publicity alone should be provided for; whether naval armaments should be limited by total tonnage or by tonnage by separate categories of vessels; whether there should be international supervision, and if so, how it should be exercised, or whether reliance should be placed solely on good faith; whether a disarmament convention should cover civil aviation, etc. Many other questions, such as the relative potential war strength of States in their industry and man power and the best way of making good any disparity in this respect by guarantees of mutual assistance, have been prominent, and have also figured in the prolonged debates on security."\*

### **The Draft Convention.**

In the face of such overwhelming difficulties the Preparatory Commission must be congratulated on the Draft Convention which it drew up. The main features of the draft convention might thus be summarised. First came the article of general character that "the High Contracting Parties agree to limit and, so far as possible, to reduce their respective armaments as provided in the present Convention". Then the Convention went on to provide for a limitation of effectives in time of peace, and limited "the average daily

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\**Preparations for Disarmament Conference* (February 1932), p. 13—14.

effectives in the land, sea and air armed forces and formations organised on a military basis.” There was a limitation of the period of service in conscript armies and an indirect limitation of land material by means of the budget. “The annual expenditure of each High Contracting Party on the upkeep, purchase and manufacture of war material for land armaments shall be limited to the figures laid down for such party, and in accordance with the conditions prescribed in the annexure....to this article.\* There was to be a direct limitation of the naval material, each fleet being limited to a total (global) tonnage figure; and there was to be a limitation of expenditure on the material for naval armaments. As regards dirigibles and air-craft there is a limitation of total horse-power, total volume and the number of air-craft. There was also provision for a total limitation of annual expenditure on land, sea and air armed forces and formations organised on a military basis. The Convention also “provides for publicity in respect of each of these limitations, for the prohibition, subject to reciprocity, of the use of chemical arms and for the absolute prohibition of bacteriological methods of warfare. It also contains provisions for the creation of a permanent Disarmament Commission”. Then come the reservations. The Report of the Preparatory Commission “gives particulars of all the reservations, whether general or particular, submitted by the delegations during the framing of the various texts. Certain Governments stated that a reduction of some or all of the categories of armaments is not possible for them, as their present forces are insufficient to guarantee national safety. Other Governments reserve the right to submit further definite proposals to the Disarmament Conference. The German delegation declares that it will vote against the draft Convention as a whole, on the ground that it excludes essential elements from the limitation and reduction of land armaments and may even allow armaments to be increased. The American delegation made a reservation in regard to the budgetary limitation of armaments, and the delegate of the Union of Soviet Socialist Republics declared that the attitude of his Government was negative.”

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\*A. 6. 1931—p. 39.

If the Preparatory Commission had done nothing else, its work would have been still invaluable for laying down the two great guiding principles for the Disarmament Conference—the effective limitation of every branch of arms by every country, and the subsequent supervision of that limitation by a permanent Commission.

Criticism has nevertheless been directed against some features of the scheme for Disarmament worked out by the Preparatory Commission. For one thing, it has been argued that direct limitation of armaments would have been much preferable to budgetary limitation. It has also been urged that besides limitation of the total number of armies and of the total period of training the annual contingent should have been limited. Now, dealing with these criticisms it is best to admit that such a consummation would have been most desirable had it only been possible. If the matter had even been carried by the vote of the smaller countries against the view of the great military powers, of what value would such a nominal success have been? In a word, was it a practical proposition? Then again as to the criticism against budgetary limitation of the war material, it has been justly pointed out that there were possibilities of evasion in the case of smaller arms, and difficulties of definition as regards heavier equipment.

It is obvious that we are not going to secure a considerable measure of disarmament at one stroke or by a single effort. And the reason is clear. We are not dealing so much with the existing armaments, as an objective fact, as with the spirit of militarism which lies behind them. There are historical antagonisms in the world, going back many centuries. The world has been travelling for centuries along the path of militarism and has gathered great momentum urging it further in that direction. What the Draft Convention has done is to chalk out a road leading to the opposite way, and has given the world a guide along that road in the person of the Permanent Commission. And this was all that was humanly possible.

A historical contrast might be fitly drawn between the work of the Disarmament Commission and Conference and that of the earlier methods which the world had tried so long for achieving

peace and security. For, urged on by the instinct of self-preservation, throughout the ages men have striven for some measure of guarantee of security. Alliances have been tried from time immemorial and have led not in the direction of peace but quite the opposite way. In vain have the ablest statesmen tried not only alliance but "reinsurance" treaties. They never even threatened or menaced the tradition of war. Besides this, which might be called the bilateral method, humanity tried the "multi-lateral" method of guaranteeing peace through the system of Balance of power. At last there has dawned upon mankind the idea of a general and progressive disarmament. Even so the spirit of Chauvinism has been trying hard to upset the plan of Disarmament, but it is afraid to show its hand in the face of world opinion. So the most war-like Governments have to sit in high debate where the influences of peace are predominating, and have to be led against their will towards the path of Peace. The contrast is already great between the old methods in which national officials and diplomats undertook to secure peace, and the new method under which the general opinion of mankind attempts the great task. If only grim old Mars could come down to Geneva and could contemplate the discussions on Disarmament he would be compelled to admit that "at last mankind have learned something."

Let us then appreciate and be grateful for the results which have been so far attained, for they form the bases of further advance. For peace has its strategy as well as war. Even if the present Conference is not very fruitful in results we need not despond, for we are sure to have another Conference which will work under better auspices. The world is sure to bear in mind the advice of Lord Robert Cecil that in case of anything like disappointment at the Conference, we are to have a revision of the problem and of the results of Disarmament every five or ten years. The machinery of advance towards Disarmament has already been provided in the shape of the Permanent Disarmament Commission; and after all that is the main thing, for there will be henceforth a world organ for constantly bringing forward the topic of gradual and greater disarmament. Let it be also noted that the spirit of resistance to the realisation of Disarmament which is so strong at

present is bound to grow weaker as each step forward is taken in the process of reducing armaments.

### **Position of India with Reference to Disarmament.**

Apart from the great pacifist traditions and ideals of India, the country's sympathies are sure to be enlisted on the side of the proposals for disarmament in the world. A real and comprehensive realisation of the idea of disarmament must benefit India, at least indirectly, through increasing the economic prosperity of the world, as also through bringing about an avoidance of wars. When the vast resources which are at present wasted on armaments are transferred to the task of peaceful development, the economic progress of the world will be very rapid. Any moderation of the excess of Nationalism will also bring about a reduction of tariffs.

Though India will thus benefit indirectly from any general reduction of armaments, yet her special position and difficulties as a power are such that it is not possible to reduce her military strength materially for any period of time which can be foreseen. It was useful to state this position quite clearly, and the matter was placed beyond any possibility of misconception both in the Assembly of the League and in the Committees. It has to be emphasised that the armaments of India are not maintained for any aggressive purpose whatever, nor is their size and "level fixed with reference to the armaments of any other Power whose armaments will be limited or reduced under the Disarmament Convention". Nor can that level of armament be affected and influenced by any guarantee of security which the League is in a position to afford. As Lord Lytton put it in the Third Committee in the year 1927, "India has, on her frontier, tribes whose traditions and instincts, and habits of life are those of war; not war as it is spoken of in our debates, as it is understood in the Covenant of the League, a resort to force as a final measure after all the resources of diplomacy have been exhausted, but war in a more primitive sense, war which is practised as an almost daily occupation, as a profession of brigandage. In dealing with such neighbours the securities which the League of Nations has to offer us can be of no value." Lord Lytton might have emphasised the true extent of danger to

India, from the existence at its very doors of this great reservoir of military strength, which owes allegiance to no Government that acknowledges the League, as well as from the history of India for a couple of thousand years. India has seen scores of these tribes pouring down the Khyber pass and devastating her fair provinces—the Ghori, the Khilji, and the Lodi—to mention only a few of them. India can be said therefore to be interested in the form in which obligations to limit armaments can be accepted, rather than in the reduction of armaments which is the real substance of the problem. Her part in the solution of the problem is therefore a small one. For in the matter of disarmament her peculiar geographical situation and her historical antecedents of continuous invasions must need be taken into consideration.

Is then the problem of the Indian frontier insoluble? One thing is certain that if the problem is insoluble it is so in spite of the very best efforts put forward by India. On the one hand the introduction of the border tribes to the new weapons of precision is making the problem more and more difficult. On the other hand the Government of India has been adopting the forward policy in its most humanising form. India had always had a civilising influence in this direction; but no such great and systematic effort had been ever put forward before our days. A great and costly attempt has been made, for example, to open up Waziristan to the influences of civilisation, not only by building roads through it but by employing the *Khassadars* or local levies to police the country. Thus that part of the border is being given an interest in the continuance of peace and progress. The system of Khassadars is in force not only in Waziristan but in the Khyber Agency and Kohat. Having carried out this great pacifying and civilising experiment, India can only hope for an adequate measure of success.

### **Conventions regarding Private Manufacture of Arms and for the Supervision of the International Trade in Arms.**

The connection between the subjects of these conventions and the main Disarmament problem is obvious, and, indeed, forms one of the main difficulties in the way of a separate solution of the



problem of private manufactures. But, this latter problem itself might be said to be bristling with difficulties. There was, for example, the more drastic proposal that it was necessary to have an absolute prohibition of private manufactures as against merely a control and supervision. Strong objection was taken to the former course by states which did not produce war material themselves. The next difficulty arose on the question whether the control was to be national or international; also there was difference of view on the matter of publicity of manufacture (meaning State manufacture). An attempt was made to enlarge the scope of the Convention on the subject, so as to include not only supervision of private manufacture but also the publicity of State manufacture—the states which did not themselves manufacture arms being particularly interested in this latter question. After repeated efforts to reconcile these divergent views, the whole subject has been virtually left to await the conclusions of the Preparatory Disarmament Convention.

Nor were the difficulties smaller in the way of the other correlated problem—that of the supervision of the trade in arms. Here the Convention has to meet the hindrances due to the interests of the world's great arms-manufacturing countries. For example the earlier St. Germain Convention on such traffic was not ratified by the United States; for “by accepting its prohibition of sale of arms to non-signatory states the United States would not be able to sell to nine of the Latin American countries ‘however desirable it might be to permit such shipments’”.† Obviously the other great arms manufacturing countries could not but defer ratification of the Convention which followed the former one on the subject, as long as there was no general movement towards such a desirable consummation. No wonder that the Convention required no less than fourteen ratifications before it can come into force. Nor must we lose sight of another controversial question relating to the subject matter of the Convention. For, besides a general system of supervision and publicity for the international trade in arms, there is a special system for certain parts of the world in which special

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†Prof. J. Bassett, *The League of Nations, a Chapter in World Politics*, p. 354.

measures were considered necessary. There is to be not only publicity, under a licensing system, of the traffic in arms from producing to non-producing States, but a special control and supervision of the traffic when destined for certain land and maritime areas including the Persian Gulf, Arabia and certain parts of Africa.

Even at the sixty-third session of the Council the representative of the United Kingdom pointed out that so far only eleven countries had announced their intention of ratifying the Convention of 1925 for the supervision of the trade in arms, and observed that these results were "somewhat disappointing". He expressed the hope that those States which had not yet announced their intentions in this matter would consider whether they could not by their ratification contribute to the bringing into force of the Convention.\*

#### **India's Position as to Trade and Manufacture of Arms.**

Both as regards the control of private manufacture of arms and the supervision of international trade in arms, the work of the League must needs have the sympathy of India. As to the former, India herself has no private manufacture of arms; and since the restriction of the supply of arms on her land frontiers would be very desirable indeed, she can only welcome a policy of restriction. On principle also India must be favourable to the ratification of the Convention for the supervision of the International trade in Arms. Nevertheless, there can be no ignoring the difficulties which have arisen in its ratification by so many states. And, in addition, India can scarcely ratify the Convention in its present form owing to "certain discriminatory provisions which are applied by the Convention to the special maritime area including the Indian Ocean". It is only after a suitable modification of that part of the Convention which contains these provisions that India can consider the question of ratification. It is worth noting that Persia has encountered similar difficulties as regards these discriminatory provisions. While, Persia, like India accepted the principle on which the Convention was based, she too

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\* Disarmament Convention, A. 6. 1931, p. 55.

could not adhere to it unless certain changes were made in the text so as to safeguard her sovereignty and interests.

### **Financial Assistance.**

On the initiative of the Finnish Delegation, in 1926 a draft treaty was prepared of which the object was to enlarge the Council's power to maintain or restore peace. This treaty was the fruit of the collaboration of the Committee of Arbitration and Security and of the Financial Committee. To a state involved in war or threatened with war, the Council could offer financial assistance through a general international guarantee of loans backed up by special guarantees of states which were specially strong financially. The guarantees given were to be proportional to the contributions of the guarantees to the League Budget. "The Council may, if it be unanimous, grant financial assistance to a signatory undertaking to submit its dispute to peaceful settlement and to conform to provisional measures for safe-guarding peace recommended by the Council, when the other party has refused to take such steps and the Council considers that peace cannot otherwise be preserved. The Council may at any time suspend, either temporarily or permanently, the payment of whatever proceeds of the loan are still outstanding. In short, the Convention on Financial Assistance puts into the hands of the Council an additional means to preserve or restore peace, and affords the Members of the League a convenient and practical means of discharging part of their obligations under Article 16 of the Covenant, and of making effective the peace-keeping action of the League under Article 11."

There can be no question that such a measure if carried out would advance the cause of peace materially. But as regards India's active co-operation in and gain from the policy, quite a number of considerations have to be taken into account. In the first place India has little or no direct interest in the scheme such as those countries have which can secure the advantages of insurance against risks of war which the scheme affords. "From her geographical position" as Sir M. Habibullah put it in 1929 "India had much less interest in the scheme than other countries; but India, being a civilised country, felt it her duty to accept any general scheme

which tended towards the peace of the world'. Another corollary of the indirect nature of India's interest in the scheme is that she cannot adhere to it unless she is satisfied that the scheme is supported by the great majority of those states which are more closely concerned and by states which represent all quarters of the world.

Then we come to the financial aspects of the scheme. The scale of contribution which is allocated for India has been felt to be unduly burdensome; and to adopt that as a measure of the liability under the guarantee would be to place an undue share of the burden of the scheme of guarantees upon this country. As Sir M. Habibullah added, there might advisedly be "a distinct understanding that any contribution India might be asked to pay should not be based upon her contribution at the time of entry into force of the Convention, but on the actual contribution she might be paying at the time the liability arose". Another consideration on the financial side of the matter is that India is a borrowing, not a lending country, and must necessarily be cautious in entering upon a scheme under which she is sure to be called upon to guarantee large loans to other states. Nor can we overlook the fact that the ratification of the Convention by India can be only after placing the matter before the Indian Legislatures and justifying it there. That Legislature must first satisfy itself that the Convention had been accepted by the Powers throughout the world whose participation would be a guarantee that it would be used effectively. The Indian Legislature can scarcely be expected to agree with the idea that India should place itself upon the list of special guarantors. The position taken up by Indian Delegation was restated and made clearer by Sir Denys Bray in the year 1930 in the Third Committee. As Sir Denys observed, India's "attitude is one of sympathy tempered with cautious reserve. Owing to her geographical position, India is unlikely to be concerned in the direct advantages which this Convention may provide. One or two speakers yesterday mentioned the possible need and not impossible difficulty of securing Parliamentary approval prior not only to ratification but even to signature; and it is felt by my Government that it may be not very easy to justify India's

assumption of further commitments in view of the lack of direct advantages that she herself would get under the Convention. My Government, therefore, does not propose to sign at present; for India is always chary of signing unless the prospect of ratification is reasonably clear. Whether the Assembly will eventually give her approval to ratification, it is hardly possible to foretell here and now. Matters might have been a little easier had the Committee been able to fall in with India's suggestion last year regarding the basis of the distribution of the guarantees. True, the modifications which were discussed yesterday to Article 7 would go some way to meet her point, but not the whole way, for India, as you know, is rather sore over what she conceives to be her excessive quota. Much would depend, moreover, on the degree of universality which the Convention is likely to secure. If the Convention failed to attract much support outside Europe, it seems possible that India would prepare to stand aloof. Should, however, the Convention attract support not merely in Europe but also in Asia and elsewhere, then it is hard to believe that India would not desire to collaborate in such a world-wide contribution to the movement towards the suppression of war.'''\*

### **Pacific Settlement of International Disputes.**

Here again we have "one of the most considerable efforts to organise peace," carried out through the Committee on Arbitration and Security which had been created in 1927, to consider "the measures capable of giving to states the guarantees of arbitration and security *necessary to enable them to fix the level of their armament.*" Here we note two things—first, that the measures to be taken by the Committee were for "promoting, generalising and co-ordinating special or collective agreement on arbitration and security"; and secondly that these measures were also to subserve the cause of disarmament. The Committee did its work by preparing six model conventions on the pacific settlement of international disputes, three of which were models for general or multilateral conventions and three were model bilateral conventions. The matter was however carried much further, and with some

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\*Indian Delegation Report 1930, p. 103.

rapidity; for the three original texts provided for multilateral conventions were fused together into a single general Act. This general Act was "to enable states to adopt standard engagements for the pacific settlement of international disputes and to avoid the development of alternative procedure".\* This development originated with the action of the Swedish representative who drew attention to the fact of the desirability of a connecting link between the three model general conventions. In the absence of such link it might easily happen that in the case of a dispute arising between a state which had agreed to one sort of convention and another which had accepted a different convention there would arise an absence of a common obligation. From this it was argued that it was desirable to fuse the three model general conventions. "The Assembly, during its session in 1930, considered a report from the Committee on Arbitration and Security on the possibility of transforming into a general Convention the Model Treaty to strengthen the means of preventing War drawn up in 1928. The Committee on Arbitration and Security had not found it possible to submit the text of a general Convention, but, in respect of certain articles, had drafted two alternative texts, subject to reservations. The Assembly noted, however, the degree of progress which had been made in its third Committee in reconciling the different points of view and asked the Council to instruct a special Committee to continue the study of the question. The special Committee met at Geneva from May 11th to 15th, 1931, and unanimously adopted a draft general Convention, with certain reservations, covering the questions on which the Committee on Arbitration and Security had only been able to submit alternative texts".†

The General Act for the Pacific settlement of International Disputes is now in force between nineteen states. By its provisions all legal disputes are to be referred to the Permanent Court; all non-legal disputes are to be referred to conciliation commissions, and, in the event of failure, the subject of dispute is then referred to an arbitral tribunal for final and binding settlement.

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\*D. Myers, *Handbook of the League*, p. 265.

†A. 6. 1931, p. 8.



### Convention to improve means of Preventing War.

Another plan was originated by the Arbitration and Security Committee on German initiative to improve the means of preventing war. The Convention as drafted dealt with Conservatory measures of a military character which the Council might recommend the parties to a dispute to take under the Convention, the supervision of the execution of such measures, the sanctions to be applied in case of violation of such measures and the sanctions to be applied should war break out as a consequence of any such violation. The Convention "provided that, in the event of a threat of war, any party which had crossed the frontiers of any State with its armed forces should withdraw on the summons of the Council, and that, further, the Council should have the right to fix, with the consent of the party concerned, a further line from which armed forces should be withdrawn with a view to preventing the possibility of a clash."\*

During the debate which followed many delegates showed a cautious attitude regarding the assumption of commitments of which the full implications cannot be known at the start. At the end of the debate the principles of the draft Convention were accepted while details were changed. The Convention provides that in critical circumstances falling short of a state of war States will carry out measures imposed upon them by the Council, the requirement of unanimous decision by the Council being waived so far as the States in question are concerned if they are members of the Council. Provision is made for measures of two kinds:—

- (1) Measures which, in circumstances that, in the Council's opinion, do not create a state of war between the Powers in question, are designed to secure the evacuation of the territory or territorial waters of one party, or of a zone demilitarised in virtue of international agreements, by the forces of the other party which may have entered that territory or may be flying over it in the course of a dispute (Article 2).

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\*Indian Delegation Report 1931, p. 23.

- (2) The fixing by the Council, if it thinks this necessary, of lines in the territory of the parties which must not be passed by the land naval or air forces of the parties to the dispute, and, where necessary in order to avoid incidents, by their civil aircraft (Article 3).

It is specified that there shall be equivalent treatment for land, naval and air forces as regards both measures of the first class (evacuation and measures of the second class fixing of lines not to be passed by the troops). As States regard their territorial waters as part of their territory, those waters must be evacuated by any forces that may have entered them or may be flying over them, just as the territory itself must be evacuated. Measures of the second category—that is, the fixing by the Council of lines which the forces and, as far as may be necessary, the civil aircraft must not pass—may be prescribed, if the circumstances contemplated in Article 2 have arisen, and after the Council has prescribed measures designed to ensure evacuation, or if, in the event of a threat of war, special conditions particularly the possibility of conflict between the forces, rendered it necessary. It is understood that the State whose territory has been invaded will not be required to withdraw its forces behind the lines fixed by the Council until that territory has been completely evacuated by the alien forces. The powers conferred on the Council by this article may be exercised without an invasion having taken place or after an invasion followed by an order for evacuation.\*

### **India's point of View**

The opinion has been held in many quarters that more could have been expected by emphasising the method of bilateral treaties which had been favoured very largely. The welding of the separate treaties into the General Convention was perhaps taken up a little too early, and it was felt that the draft of the General Act was essentially different from the three model general conventions. Sir E. Chamier discussed the position of the Indian Delegation on the matter in the First Committee. "It was unlikely that India

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\*Indian Delegation Report, 1931, p. 23.

would be greatly interested in the General Act and therefore the Indian Delegation did not propose to take part in the much too hurried discussion on the terms of that complicated document. The Indian Delegation understood that the draft Resolution left states quite free to conclude Conventions in any form and terms which they thought proper, and that it was not intended to mean that the Assembly preferred the General Act or the draft model Conventions to Conventions framed in other terms. On that understanding the Indian Delegation was content to allow the Resolution to pass". In this connection we might note the amendment which was proposed by Sir Cecil Hurst the British Delegate and accepted in the same year emphasising that the system of bilateral conventions was not meant to be abandoned. He proposed that the draft resolution submitting the General Act should be amended by the insertion of the following paragraph, in order to make it clear that the system of bilateral conventions had not been abandoned and that those Members of the League who preferred that method could avail themselves of it:—

‘Invites all States, whether Members of the League or not, and in so far as their existing agreements do not already achieve this end, to accept obligations in pursuance of the above purpose, either by becoming parties to the annexed General Act for the Pacific Settlement of International Disputes, or by concluding particular conventions with individual States in such terms as may be deemed appropriate.’

He also proposed the insertion at the beginning of the draft resolution of a paragraph in the following terms with a view to emphasising the connexion between the pacific settlement of international disputes and the cause of security and disarmament:—

‘Firmly convinced that effective machinery for ensuring the peaceful settlement of international disputes is an essential element in the cause of security and disarmament.’

These amendments were accepted.\*

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\*British Delegation Report, 1928, p. 6.

As regards the Convention to strengthen the means of preventing war it is obvious that its ratification must depend on the conclusion of a general disarmament treaty. The statement made by Lord Cecil at the final sitting of the Committee on the subject deserves to be quoted here: “(1) We are prepared to accept the obligation of complying with a recommendation of the Council designed to safeguard peace provided we are satisfied that it is not inconsistent with national safety. (2) We are averse to doing anything which would directly or indirectly restrict or interfere with the existing powers of the Council under Article 11. (3) We could not agree to any extension of sanctions beyond those provided in the Covenant.” Naturally a great many states felt difficulties in defining the terms upon which they were prepared to surrender their liberty of action, while others not relying solely upon good faith for the discharge of the obligations wished to secure drastic provisions for supervision and sanctions.

### **Permanent Court of International Justice.**

The subjects of the functions of this Court or of its place in the system constituted by the League are out of the range of our present studies. Nevertheless the important place occupied by the court in the machinery of the preservation of peace might be illustrated. There is the voluntary jurisdiction of the court in disputes of an international character. There is besides this the compulsory jurisdiction based partly upon the famous “optional clause” to which India is a party. That clause provides that “the Court’s jurisdiction shall be compulsory for disputes of a legal nature concerning the interpretation of a treaty, or any question of international law, or the existence of any fact which, if established, would constitute the breach of an international obligation or lastly, the nature or extent of the reparation to be made for the breach of an international obligation.”\* As the same authority adds, this compulsory jurisdiction has been added to by a large number of bilateral treaties of arbitration or judicial settlement.

In a valuable study, Mr. C. Howard Ellis has explained the superiority of the organization of the Permanent Court over that

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\*Sir E. Drummond, *op. cit.* p. 140.

of the Hague Court of Arbitration. He then traces with a sure hand the growth of the compulsory jurisdiction of the Permanent Court; "We are obviously still far from the day of the universal compulsory jurisdiction of the Court, while the development and clarification of international law have barely begun. But we have already come a long way; and just as within states the evolution can be traced by imperceptible stages from the first rude beginnings of organized justice to our present highly developed legal system, so mankind has made long strides toward the ideal of a world court with compulsory jurisdiction administering a real world law, and the path to further advance is clearly marked out ahead—it lies through the development of the League and the laws of peace and strengthening the authority of the Court."† His study concludes by exposing the fallacy of the view that the Court is the main factor in international system of justice and that the League is only a side show.

The tendency towards the extension of jurisdiction of this Court is illustrated by the discussion which has lasted for three years over the Finnish proposal to confer upon it jurisdiction as a tribunal of appeal or review in respect of arbitral tribunals established by states. This proposal had obviously a special significance in cases where the arbitral tribunal was without jurisdiction or had exceeded its jurisdiction. Though this was the question mainly debated at the Assembly of 1929 there was also a proposal from Poland to extend the functions of the Court, as a tribunal of appeal to all disputes regarding violations of a rule of international law. The general sense of the Committee was to deprecate the idea of conferring or defining such jurisdiction. Sir Ewart Greaves, the Indian Delegate, contended that there ought to be no attempt to try and force an appeal to the Court where one of the parties desired to submit such matters to it and the other refused, "It was unthinkable that where parties had chosen their own tribunal to decide a dispute they should be forced to allow an entirely different tribunal to decide any dispute which arose out of the award of the tribunal which they had chosen for themselves". Of

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† Mr. C. Howard Ellis, *op. cit.*, p. 418.

course there was no difficulty where the parties to a dispute which came before a special tribunal had also signed the Optional Clause deciding to submit a particular dispute to a tribunal agreed upon, or if they had agreed in advance that questions relating to the competence of the tribunal might be referred to the Court. The only result was that a committee was set up in 1929 to examine the Finnish proposal. The matter, which had been postponed in 1930, came up again in 1931, and then a draft protocol of the sub-committee which proposed that compulsory jurisdiction as a court of review as regards validity of arbitral awards should be given to the Permanent Court came in for a good deal of criticism. Amongst other speakers Sir B. L. Mitter "pointed out that there was one aspect of the question which had not been considered. Emphasis had been laid on the want of jurisdiction of an arbitral tribunal as a ground of appeal, but the proposed recommendation was confined to disputed awards. That is to say, no relief was contemplated till the arbitration had been concluded and the award given. But if want of jurisdiction was to be a valid ground of appeal it should be open to either party to take the plea before the arbitration begins and to have this point decided. If the plea were upheld, a fresh tribunal would be necessary. If the plea were rejected, the tribunal would go on with its work. If in a case of this kind the parties had to wait till the award was given, the time, labour and cost of an abortive arbitration would all be wasted when the plea of no jurisdiction was upheld. He suggested, therefore, that it should be open to a party to have a reference to the Permanent Court on the question of want of jurisdiction at any time after the appointment of the arbitral tribunal.'"

### **Codification of International Law.**

It has been noted that on the subject of the codification of International law there is a tendency to take up extreme views. On the one hand, says Prof. Hudson, there are those who urge that "the enactment of a code is a *sine qua non* of the usefulness of the Permanent Court of International Justice", and that "with a code and a court to apply it there need be no disputes which might lead

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\*Indian Delegation Report, 1931, p. 11.



to war''. Such persons, '‘have come to speak of codification as the key to the temple of peace.’’† At the other extreme are persons to whom the very term codification conjures visions of a structure in the air, and of ‘‘impracticable attempts to foist on the world an artificial system of mondial law which would have no relation to the facts of international life’’. Both these extreme positions are based upon mistakes. The problem of codification is being solved, and can only be solved gradually, and it will necessarily take decades to solve. Prof. Hudson himself contemplates half a century as not too long a period for the accomplishment of such a task.

Since the year 1925 a Committee of Experts for the Progressive Codification of International Law appointed by the Council of the League had been working to suggest such questions as were ripe for international regulation. In 1930 the first Codification Conference was held at the Hague in the months of March and April, and dealt with only three questions—those of Nationality, Territorial Waters and Responsibility of States for damage done in their territories to the person or property of foreigners. Even though these subjects had been selected ahead as ripe for codification, the results were meagre—a state of things which was due partly to insufficient preparations, but partly also to insistence on national and sectional views. In the Assembly of the same year the matter was adjourned; as but little agreement could be had even on the three matters referred. At the Assembly of 1931 quite a number of Governments, including the Government of India, agreed with the conclusion that, for the time being, deliberate attempts at codification by conference are unlikely to be fruitful. The resolution that was passed allowed however any State to suggest a subject as suitable for codification, and the matter might then be placed on the agenda of the Assembly, referred to experts, circulated to governments for observations and finally might be referred to a codification conference. In his speech upon the subject Sir B. L. Mitter observed ‘‘that the Government of India welcomed the resolution in the hope that the machinery set up under it would normally take the place of codification conferences. The resolution had the double merit of progressive

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† Prof. Hudson: *Current International Co-operation*, p. 135.

deliberation and caution. In the working of the proposed machinery there would be the simultaneous operation of the other important factors in the development of international law, namely, the conventions under the auspices of the League of Nations, the growth of case law in the Permanent Court, the awards of arbitral tribunals and, above all, the studies of international jurists. This would be more likely to yield important results than codification conferences without previous exploration. The experience of the last conference had been that the expenses were disproportionate to the result achieved.''\* Before resorting to the direct method of codification, time is certainly required for advance on the above lines. At present the law is too amorphous, and any repetition of the recent failure at the Hague would give a serious set back to the work of codification instead of advancing the cause.

This view of Sir B. L. Mitter is fully supported by pronouncements of distinguished jurists. Thus Prof. Manley O. Hudson of Harvard comments first on the short-comings of the methods employed by the Committee of Experts for the Progressive Codification of International Law, especially the method of questionnaires and the procedure of seeking prematurely the expression of responsible opinion on "views and drafts which do not represent the result of a careful preliminary hammering by various minds." He adds that only the oversanguine can feel disappointed at the result of the experiment; for the mere existence of such a Committee represents a great advance and opens up great prospects. But, he emphasises that we want for progress in this field "long and patient effort", and he points out that the codification work which resulted in the German Civil Code was the work of a whole generation. "For my part" he says "I should like to look forward to a continuance of the work of this League of Nations' Committee for a quarter of a century, and if it can go on so long I do not doubt that some important achievement may then be set down to it, and I shall then wish it to be continued for another period equally long". He adds further, for the benefit of the more impatient optimists, that "we cannot look forward to the adoption within that period (a generation) of a global code which will compress all international law". That

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\*Indian Delegation Report, 1931, p. 11.

eminent expert also warns us that a hasty codification will be merely "an attempt to stereotype the philosophy of the International Law of the past, a dangerous thing for any generation to undertake". Meanwhile the Professor adds, in an article in the *Cornell Law Quarterly*, (Vol. X, No. 4), that indirectly the existence and methods of work of the League have done much for the evolution of International Law through "the establishment of a permanent and continuous machinery for general conference by fifty-five nations".\*

Another authority can be quoted—and is fully worth quoting—on the same side. Mr. Howard Ellis has noticed that already "the League has given a great impetus to the development of international law". He notes the production of a large number of technical conventions through international conferences and committees, and adds that these conventions "are building up a whole new legal system governing the relations, not only of the fifty-five members of the League but in many cases of non-League-signatories as well". Nor does he omit to mention the great importance of the work of the Permanent Court, since "the best way to develop law is to appoint judges and set them to work". He concludes by saying that "the defect pointed out by Prof. Brierly—namely, the failure to provide methods of enlarging and adapting international law to the changing needs of modern society—is being met".<sup>1</sup>

Sir B. L. Mitter had emphasised the importance of introducing international uniformity into the region of commercial law. Here also his views receive support from the distinguished Harvard Professor whom we have already quoted. "In a second sense in which the term is used", observes Prof. Hudson, "codification refers to the process of introducing uniformity into the national laws of various countries, covering fields in which such national laws already exist. Thus interpreted, much of the output of the International Labour Conferences may be explained as codification. In this way, also, the efforts of the International Maritime Committee have been most fruitful".<sup>2</sup>

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\*Prof. Manley O. Hudson, *Current International Co-operation*, pp. 141—145.

<sup>1</sup> G. Howard Ellis, *op. cit.* pp. 349—350.

<sup>2</sup> Prof. Manley Hudson, *op. cit.*, pp. 137—138.

## Protection of the Rights of Minorities.

We have already noted how the problem of the fair treatment of minorities is bound up intimately with that of the preservation of peace. That this problem has not been already solved completely is due to "the jealousy of the Great Powers for their own sovereignty". Nevertheless, the League has been stirred to action on the matter by the efforts of great champions of minorities like Prof. Gilbert Murray and Senator Dandurand of Canada. The Minorities have secured justice in many cases through the Council of the League and in other cases through the Secretariat.

Dr. D. P. Myers tells us in his valuable 'Hand book to the League'\* that the position of the Council in this respect is a delicate one "since it has to try and strike a balance between siding with disaffected persons and upholding inelastic national administrative methods". The same writer gives us no less than six outstanding examples of the work done by the Council in this sphere. Thus in 1925 there was the case of Hungarian farmers in Roumania who were apprehensive of being deprived of their realty without adequate compensation. In the result such compensation was secured. In the same year the Council was able to secure details of measures from Lithuania to be taken to insure fair treatment to Polish minority. In the same year, again, assurance was obtained from Hungary to amend a law which acted prejudicially to the Jewish minority. A much more important matter was the question of German minorities in Upper Silesia. The problems of the Albanian minority and Moslems of Albanian origin in Greece are also about to be settled. More recently the problems of the German minority in Silesia and of the Hungarian minority in Transylvania have been discussed.<sup>1</sup>

So great is the importance of the work of the League on behalf of Minorities that, in the opinion of competent experts, it might become soon necessary to constitute a special Committee to deal with it. Mr. Greaves, for example, strongly supports that idea: "The protection of minorities, for example, must remain a fiction so long

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\*Myers, *Handbook of the League of Nations*, p. 215.

<sup>1</sup> A. 6. 1931, p. 74.

as the machinery for making it real is absent. What is needed here as in all these committees is not the promotion of international co-operation in a general way between national administrations, but the performance by a non-national instrument of a definite task in an entirely independent and unbiased spirit. It may well be found that the suggested Minorities Committee, on the lines of the Mandates Commission, will be the only solution.'''\*

In a very important sense, India is profoundly interested in the principles, decisions and methods of the League in securing protection for Minorities. It is true of course that the League cannot be appealed to for decisions in the communal problem of India which are a domestic matter. But the principles formulated and the methods employed by the League in its work for the protection of minorities might afford us hints in attempting to solve the very difficult problem of communal differences in India. Even more important than the methods or the procedure is the spirit in which the League works for minorities and it would be so much to the good if we could imbibe that spirit.

What then is the impression which we gather from this survey of the League's work in organizing peace? It is this that the League has not been making isolated attacks on the spirit of war, but that it is erecting a whole systematic framework of pacific settlement of which each part supports the other. It has been developing steadily the machinery for securing peace and even its critics must admit that it has prevented many a war from breaking out. If the countries of Eastern and Central Europe have been prevented from resorting to war in their despair engendered by the consequences of the "Peace", the credit belongs to the League alone. But for the efforts of the League, the clash of French policy and German despair was inevitable and European civilisation would then have been in the greatest danger: and here we must pay our tribute of respect at once to the memory of a great Frenchman and to that of a great German—Briand and Stresemann. But, if a number of wars have been averted in Eastern Europe, Eastern Asia has also to be grateful

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\*Greaves, *The League Committees and World Order*, pp. 15—16.

to the League. Even in that remote region the aggressor is on the defensive and is anxious to put himself right with the League, and through it, with the world. It might be well asked whether if in the days before the League such a general mobilisation of international opinion against aggression would have been at all possible. Obviously the trend of diplomacy has been altered and nations feel it their duty to express their views generally and strongly against any manifestation of the spirit of conquest however disguised, and against a desire for war however justified. In old days instead of acting in this spirit the nations would have been divided into two opposed groups. Now there are no two groups, no division of opinion at all. The history of world opinion during the recent crisis in the Far East shows no fissiparous tendency whatever the only tendency that can be noticed has been towards the hardening of such opinion as the physiognomy of Chauvinism became gradually clearer. There was, it is admitted, a moment of indecision, but that was as it should be, since facts take some time to speak. That was, and should have been, the first phase; but during the *second phase* which followed so rapidly the dictum was accepted everywhere that recognition should be refused to changes which have been effected in violation of the Covenant.

In this second phase the world opinion against any sort of aggression was hardening in spite of the provocations to which the aggressor had been subjected. In fact the world opinion assumed a new phase which is to the effect that, whatever the provocations received by a member of the League, she has no need to resort to military measures in order to make good her claim as long as resort to the League is open. We now see how great and important this evolution of the world opinion has been in this matter. No one can blame the Japanese statesmen and diplomats for not having anticipated such a rapid evolution of the world's opinion. For, even a decade ago, the provocations received and the grievances suffered by the Japanese would have furnished ample and generally-accepted excuse for decisive military action. Instead of that, the world opinion stands united against war; not merely the opinion of the Members of the League, be it observed, since opinion in America and even the opinion of Russia has been consolidated against the



very thought of aggression. The *third phase* in the situation could therefore not be delayed; and the field of battle was evacuated not so much on account of threats of application of any sanctions, but in view of the great consolidation of the world's opinion. Even Japan with its sensitive notions of conduct in war has no reason to feel humiliated at all. For she has evacuated territory not to any opponent in arms, but in obedience to what was the general voice of mankind and of reason.

Thus the League has won its first great battle for peace. And it might be added that this success was gained in spite of great and extraordinary handicaps which are not likely to trouble it in future. Let us consider what these handicaps were. It was the first occasion on which the Council and the League had to take action against a great Power, and the line of action to be adopted in such a case had yet to be thought out. The League will be quicker in taking action on any similar occasion in future. Then again it was a period of profound economic depression during which the adoption even of economic sanctions would have intensified the Depression.

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## CHAPTER III.

### ECONOMIC WORK OF THE LEAGUE.

It is interesting to consider the great contrast between the humble and even obscure beginnings of the economic work of the League of Nations and the great and rapid development and progress of that task. Indeed, as Sir Eric Drummond remarks, in his "Ten years of world Co-operation" no official record exists as to when the decision was taken by the League to develop international co-operation on the economic side and, as he adds, it would be even correct to assert that such a formal decision was never taken at all.\* There were however three important factors which were working towards such an intangible but certain orientation of the League's activity that way. There were in the first place the memories of the economic co-operation of Allies during the great war. To a great extent the Supreme Economic Council was the heir and successor of the Supreme War Council and it is significant that the first beginnings of the Economic work of the League were in the direction of compilation of International statistics—a task which had already been entered upon by the Supreme Economic Council.

But apart from the momentum of Economic co-operation during war-time, there was another and even stronger factor urging the League to enter on its economic and financial task. Art. 23 (e) of the Covenant provided that the Members of the League "will make provision to secure and maintain freedom of Communications and of transit and equitable treatment for the commerce of all Members of the League". By the year 1921 the League has placed a generous interpretation upon this article and the "equitable treatment of commerce" was expanded into that of equitable regulation of commerce. There could be no question that the League showed its wisdom in placing such an interpretation, in view of the fact that economic friction is very often the

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\*Sir Eric Drummond, *op. cit.*, p. 179.

precursor of wars, and a sound political peace must have for its basis harmonious economic relations.

It has been pointed out by Prof. Elemer Hantos that in all likelihood a better and even more favourable starting point would have been provided for the economic activity of the League than article 23 (e) of the Covenant, but for the opposition which President Wilson's ideas regarding the problems of peace met with in America. He held large and liberal ideas about the parallel development of the instrumentalities of political and economic peace. But the opposition which his views encountered in his own country prevented him effectually from carrying out his ideas in both these directions.\*

We must not underestimate the importance of a third factor which forced upon the League more and more the importance of its economic task. It was called upon by the year 1922 to assist in the financial reconstruction of Austria, Hungary and of Danzig. It is not too much to say that the carrying out of such tasks broadened the Economic horizon of the League.

It will not be out of place to review here briefly the economic situation of the time when the League entered upon its task of guidance and regulation. It is now an admitted fact that the economic consequences of the Peace of Versailles were in many respects far from favourable to economic progress, and had not very materially improved the situation since the days of war, when the laws of Economy were silent amidst the clash of arms. Large public debts, depreciating currencies and dislocated exchanges were the order of the day. As a leading financial paper put it: "In Europe at least hardly any country could make its budget balance, and every country through ill advice or through despair, has broken some or all of the vital rules of a sound economic life".† A heavy inflation was conspiring with burdensome tariffs to reduce trade for the war had given rise to a new protectionism. There was also an unprecedented instability

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\*Hantos, *op. cit.*, pp. 5—9.

†*Economist*, 4th September, 1920.

of prices. The general impoverishment was lowering demand and hampering trade still further.

On the top of all these troubles came the crisis of the year 1920. That year had opened with hectic trading activity and a culmination of the rise of prices. But soon the year saw an unexampled fall of prices, unemployment and short time work in industry.

### **The Brussels Conference.**

It was under such gloomy conditions that the League took its first great step forward in the economic sphere by convening the Brussels International Financial Conference. Obviously the need for International Co-operation for the remedying of economic maladies had never been greater, and the League of Nations was compelled to enter the Economic sphere of its work.

The resolutions of the Brussels Conference covered a wide ground and amounted to a reaffirmation of the main theories of sound economic policy. Attention was pointedly drawn to the vicious circle of inflation, depreciation of currency, rise in prices and budgetary deficits. The dry light of intellect was brought to bear on economic policies many of which were vitiated by the ill founded hope of budgetary support from outside subsidies or help. Potentialities of economy were emphasised and countries were exhorted to expedite a return to the Gold Standard, to undertake reduction of tariffs and removal of prohibitions as well as to attempt the development and facilitation of transport. Not the least of the services rendered by the Conference was the turning down of quite a number of chimerical schemes. Amongst these were the project for the raising of a huge international loan by the League with the object of stabilising currencies and of dispensing capital to countries. There were also the schemes for a new international currency which had to be turned down.

Less fortunate was the fate of the one concrete scheme or proposition put forward by the Conference itself. That was the famous project for international credits known as the ter Meulen scheme. An international commission was to be constituted under

the auspices of the League of Nations in order to help impoverished countries to finance their essential imports. For the commercial credits granted to them these states were to assign certain specific assets, as security; and on these assets bonds of the proper gold value were to be issued. In fact the states thus assisted were to submit to an *ad hoc* administration of their public assets.

There were so many difficulties involved in the working of the scheme that it is small matter for wonder that ultimately it was found impossible to carry it out. Obviously, there was the danger of how the League was to deal with debtor nations which refused to follow the policies recommended. Further, the obligation assumed by the debtor states seemed to impair their sovereignty and independence. There was also the necessity and the difficulty of securing American co-operation.

In some quarters there has been a tendency to minimise the work of the Brussels Conference. It was said to have done "little beyond emphasising the need for peace, economy, disuse of the printing press, and the free interchange of commodities between nations, all of which ideals are every where recognised as essential to recovery, but are nearly everywhere ignored by the action of the Governments which endorse them". To this line of criticism the reply might be made that there are no new or startling discoveries to be made in Economic science and practice, and that the Brussels Conference had certainly performed its proper and expected task when it had emphasised the simple truths upon the realization and observance of which the economic recovery of the world depended. Those who would minimise the importance of the work of the Conference neglect the narrow scope left to it by the jealousies of the powers. Thus the most vital problem of reparations and war debts had been kept carefully beyond the cognisance and jurisdiction of the Conference.

It is to be emphasised that the experience of the Brussels Conference proved most valuable as regards the organisation of, and procedure to be adopted by, later conferences and even by the Assembly of the League itself. Sir Eric Drummond—the highest authority on such matters—assures us that the system of organiza-

tion of the Assembly originated at Brussels.\* The Brussels Conference worked through its four Committees—on public finance, exchange and currency, international trade and international credit respectively; and that is also the procedure followed by the assembly which works through its six committees. Nor is that all; as has been well observed, the Brussels Conference “endeavoured to follow as closely as possible Parliamentary lines” in its pioneer task “to secure practical conclusions from an International Assembly of so large a size”. It therefore had recourse to the idea of a Speakership-selecting for the purpose not a financier as such but a politician. To secure convenience of debate in such a large body of delegates, four vice-presidents of Committees were appointed “as representing the League as a whole who formed, as it were, the Government bench, and introduced each his own subject on the agenda in the full Assembly, taking it thereafter as is done by a Minister in charge of a Bill into a Committee of the House”.† Thus it was to the Brussels Conference that the Assembly of the League owes important features of its procedure and organization.

Then, again, though the League had already been collecting international statistics, it was at Brussels that the practice of the large scale publication of comparative financial and economic studies had its origin. The three volumes of the “Proceedings of the Brussels Conference” formed a great contribution to economic statistics, together with the two supplementary volumes. Few had expected that the League was going to do such valuable work in the statistical field.

### **The Genoa Conference.**

There was a general idea that the Brussels Conference would be followed up by a World Economic Conference. But that idea had to be dropped owing to circumstances, and what was realised instead was the well-known Genoa Conference. Though it was held and organised outside the sphere of the League, it received important assistance from the League, and stood in the direct line of development from the Brussels Conference to the World Economic

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\*Sir E. Drummond, *op. cit.* p. 181.

†*The Economist*, 8th April 1922, p. 661.



Conference. It was also the next great step in the effort for realising the International Co-operation of the world. The Council of the League "passed a resolution authorising the supply to Genoa of all information and assistance", even though it was provided that "the functions of the League shall in no way be impinged upon."

Except in the sphere of currency the Genoa Conference was no doubt something of a failure. As Sir E. Drummond points out "the incomplete results that accrued seemed to justify the League policy of postponement". The causes of this partial failure need not be enlarged upon here. As a contemporary account observes there was "the apparent ignoring of the League of Nations, the only creation of the Peace Conference which has enhanced its prestige in the international sphere; the lack of adequate preparation or arrangement for a joint secretariat; and the failure to remove current misunderstandings between the conveners of the Conference. All these drawbacks were greatly enhanced when at the opening of the Conference the discredited methods of the Supreme Council were revived, and the Allies in the late war were convened as a separate clique in European affairs, to the disgust of the neutral countries represented."\*

But on the purely economic side of its activities there remained a great deal to the credit of the Genoa Conference. It emphasised many of the recommendations of the Brussels Conference and among other things drew attention to the importance of a liberal interpretation of the most favoured-nation clause. It recorded on this subject a very significant note: "The majority of the countries represented on the first sub-commission while recognising the temporary difficulties which may preclude the general adoption of the most-favoured treatment, declared that this was the goal at which they should aim". Indeed, but for opposition from a certain quarter a motion to that effect would have been carried. But it was by its famous Currency resolutions that the Genoa Conference added most to the work of its predecessor and won for

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\*For a contemporary account of the Genoa Conference, consult *Economist*, 6th & 20th May, 1922, p. 941.

itself an important place in economic history. As Mr. Hawtrey has pointed out the twelve Genoa resolutions on Currency were very far from being pious platitudes. Having reasserted the essential balancing of national budgets, the Conference laid down a scheme or programme to be worked out mainly with the co-operation among central banks. There was "a scheme for an international convention based on a Gold Exchange Standard and designed with a view to preventing undue fluctuations in the purchasing power of gold". Among the guiding principles laid down by the Genoa Conference might be enumerated:

- (a) the establishment of price stability as the new criterion for control of credit and guidance of monetary policy.
- (b) the idea that the gold value attached to monetary unit be made effective in a free exchange market.
- (c) the linking of currencies by an exchange standard so arranged that they could be kept at par without the intervention of any metallic medium.
- (d) the regulation of demand for gold reserves as between countries *inter se*.\*

There were at the time two dangers looming on the economic horizon. On the one hand it seemed likely that prices might rise abnormally through the influence of a surplus of gold. On the other hand there were dangers of a shortage of gold, if the nations resumed the pre-war gold standard system. Our experience shows that the latter danger was the more imminent. However, the Genoa Conference deserved well of the world by trying to provide against both these dangers.

### **The World Economic Conference.**

But the greatest effort made by the League in the economic sphere, and for the assertion and enforcement of the economic solidarity of the world, was the realisation of the idea of a World Economic Conference. It is not too much to say that the work of

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\*For the nature and importance and nature of the famous Genoa resolutions see Prof. J. R. Bellerby, *Monetary Stability* and Mr. Hawtrey's article referred to above, in *Economic Journal*, September 1922.

that Conference produced an effect on the economic side similar to the creation of the Locarno spirit on the political side. In his great work on the ‘‘L’Economie Mondiale et la Societe des Nations’’ Professor Elemer Hantos has some just observations on the importance of the Conference. The resolutions of the Brussels Conference had served as the chief guides in the financial improvement of states; while the Genoa Conference had formulated the idea and methods of co-operation between central banks. But, as he adds, the scope of the work of the World Economic Conference was far wider. ‘‘It was an imposing manifestation in favour of international economic solidarity and also against the ultra-protectionist regime.’’\* The authority we have quoted admits that direct practical results were not fully realised by the Conference. It was certainly not the theatre of realisation, but no more was it a stage of deceived hopes or of academic debates.

More recently, M. Francois Poncet has asserted that ‘‘in that year (1927) the League of Nations endeavoured to provide Europe with a new economic charter’’. If the remark was meant to be ironical it was wide of the mark. The value of an Economic charter does not depend upon its immediate results but upon its significance as a guide over long periods of time; and in this sense the Report of the World Economic Conference might yet prove a charter of very high value. It is a remarkable proof of the salutary spirit engendered by International Co-operation, that while before the Conference each nation had been vying with others in raising tariffs, no sooner did they meet together at the Conference than they set about proposing unanimously the lowering of tariffs. What the efforts of generations of very able theorists and advocates of free trade had been unable to do was achieved by the concourse of nations in a moment. Thenceforward Protectionism was on the defensive. Tariffs might be raised—just as wars can be yet carried on—but the tone of their authors in either case is apologetic. Thanks to the League, the world will never more see the former eloquent advocacy of either wars or of High Protectionism.

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\*Elemer Hantos, *op. cit.*, pp. 63—64.

## The World Economic Conference and Commercial Policy.

It was in the field of commercial policy that the Conference made many of its most weighty and wise suggestions. It avoided the Scholastic question of principle—the dialectic opposition of Free Trade and Protection—and planted itself on realistic ground. It merely insisted that “the time has come to put an end to an increase in tariffs and to move in the opposite direction”. The practice of *tarifs de combat* and of raising duties in advance of negotiations were unmistakably condemned. Above all it was laid down that “it is highly desirable that the widest and most unconditional interpretation should be given to the most-favoured nation clause”. There was nothing to be said against “special provisions to meet local needs” if such were included in treaties. But “it is undesirable that the conclusion of such commercial treaties is made difficult by the variety of the conceptions of the bases of such treaties.” Here was a most valuable pronouncement in favour of the clause. It was not to be weakened or narrowed either by express provisions or by interpretation. The mutual grant of unconditional most favoured-nation treatment was held to be “an essential condition of the free and healthy development of commerce”, and “this treatment should be guaranteed for a sufficient period by means of commercial treaties.”\*

That was the way towards a reduction of tariffs through bilateral action; but the Conference provided also for collective or multi-lateral action with the same object. That aspect will be adverted to when we shall be dealing with concerted Economic Action.

## The World Conference and Rationalization.

Coming to study the reorganisation of industry, the Conference envisaged the possibilities of Rationalization in its widest sense—and that not merely on the side of production but also on those of distribution and transportation. The benefits of Rationalization in the way of lowering of costs of production and in expanding

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\*Report and Proceedings of the World Economic Conference, Vol. I, pp. 39—43. The work of Elemer Hantos on “L'Economie Mondiale” forms a valuable commentary on the work of the Conference.

markets were recognised, as also in the direction of increasing efficiency of labour and in avoiding waste of material. But the disadvantages were not ignored, and it was emphasised that in aiming at Rationalisation the interests of labour were not to be sacrificed. Not only the advantages but the obligations of Rationalisation and Scientific management were clearly pointed out carefully.

### International Industrial Agreements.

As regards the value and importance of international industrial agreements, as remedial agents for the depression, there was great difference of opinion in the Conference. The conclusions drawn by the Conference were marked by wisdom and discrimination. It was laid down that in certain branches of production—mainly in the centralised lines—and under certain conditions, such agreements could secure a methodical re-organisation of production. But no general encouragement was recommended to international combination of a horizontal character. Moreover, precautions were to be taken against the possible monopolistic tendencies of such agreements and against their potential effects in leading to an artificial rise of prices or to a restriction of the supply of raw materials to any country.<sup>1</sup> The difficulties of establishing an international juridical *regime* over such agreements were also brought out. It remained to be pointed, as was done later on by the Rt. Hon'ble Walter Runciman, that on the subject of international combines and cartels there was less agreement than upon any other matter which came before the conference. In fact these combines are as yet to make good their claims as regards the overcoming of tariffs and other trade barriers.<sup>2</sup>

### Agriculture and the World Economic Conference.

Dealing with the depression in Agriculture, the merit of the Report consists less in the analysis of the causes than in suggesting remedies. The main cause emphasised was the upsetting of price

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<sup>1</sup> Report and Proceedings of the World Economic Conference, Vol. I, pp. 49—50.

<sup>2</sup> Economic Consequences of the League, (edited by Sir A. Salter), p. 73.

equilibrium between manufactures and agricultural products. Less was made of the causes to which attention had been directed by economists like Sering and Hermes—the fragmentation of agricultural holdings in Eastern Europe, rise of interest rates and increase of tariffs. But on the side of remedial suggestion the Report did immense service by putting the development of Co-operation in the forefront of necessary reforms. There was to be effective collaboration between consumers' and producers' societies organised on national lines, as well as international agreements between co-operative organisations in order to regularise production and stabilise prices. These efforts were to be facilitated by the formation of a Committee representing national and international co-operative organisations. Then again, as to agricultural credit international co-operation was recommended.\*

Perhaps these admirable recommendations have received less of public commendation than they deserve. They form a very thorough-going project of the development of agricultural co-operation at once on national and international lines, as also both on the sides of production and of distribution. The interdependence of the remedial treatments of agriculture and of industry were fully realised. Nor was the importance of developing the technical means of the progress of agriculture neglected. A great advocate of Co-operation—M. Jules Gautier, has expressed high appreciation of the work of the Conference in this field. True, the Conference could give only general directions for it was not for it to dictate detailed policies. But it showed how valuable was the policy of bringing into touch productive and distributive co-operation.†

### India and the Conference.

On two very important matters India made her voice felt in the course of the Conference. As regards the question of reduction of tariff levels, Sir Campbell Rhodes explained that India's Tariff had been increased for revenue purposes only and not for bolstering

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\*Report of the World Economic Conference, Vol. I, pp. 51—53; Elemer Hantos, *op. cit.*, pp. 164—165.

†See the article by M. Jules Gautier in *Economic Consequences of the League*, pp. 144—145.



up unsuitable industries. He and Sir David Gordon (representing Australia) referred to the necessity of getting Customs revenue for their countries.<sup>1</sup> Nor did they stand alone. The same argument was utilised by the representatives of Bulgaria, Austria, France, and Serbia. In reply it was pointed out that high tariffs did not necessarily give a high yield in revenue, for many low-tariff and free trade countries collected a comparatively high revenue. The obvious rejoinder is that the Indian tariff at the date was as yet, comparatively speaking, a very low one. The Indian Delegates presented to the Conference a review of the general economic conditions prevailing in the world from the standpoint of India. It was there pointed out that while in the case of India the relative importance of the foreign trade was smaller, yet India was witnessing many of the same features of depression as other countries—the disparity of agricultural and industrial prices and the hampering of industries. It was pointed out with justice that in the matter of tariffs the Indian level was much lower than that of most other countries. Even admitting that there had been an increase of the Indian tariff-level in recent years—due partly to needs of revenue—the absolute height of the Indian tariff could challenge favourable comparison with that of almost any other country in the world.<sup>2</sup> It might have been added that the Indian tariff was simpler, made little use of export duties, and was singularly free from export and import restrictions.

The other Indian representative—Dr. Hyder—spoke on the importance of studying the problem of agricultural countries as being equal in importance to that of paying attention to industrial affairs. Similarly, as a representative of an agricultural country, he advocated the promotion of a free flow of goods between countries which would contribute to the removal of the disparity between the prices obtained by agriculturists and manufacturers. He made an appeal for assisting national co-operative organisations, and for bringing them in touch with consumers' organisations in order to eliminate waste and to help the agriculturist to better remunera-

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<sup>1</sup> Report and Proceedings of the World Economic Conference, Vol. II, pp. 49 and 59.

<sup>2</sup>Cf. Indian Delegation's Report, 1927, pp. 93—94.

tion.<sup>1</sup> In this case too the position of India was strengthened by the attitude of numerous other agricultural countries. Dr. Sering and Dr. Hermes who had so ably represented Germany had pointed out various ways of strengthening agriculture—by development of intensive cultivation, for example, and by growth of Co-operation. They had shown that there was an abundance of interests in common between the agriculturists in different countries.<sup>2</sup> Mr. Orne the Swedish delegate had emphasised the growing tendency to the lack of equilibrium between agriculture and industry even before the war, more particularly because of the continuous trustification of industry. The representative of Irish Free State also pointed the disparity between the prices of manufactured articles and agricultural products. Thus India added its voice to those which suggested to the Conference the desirability of emphasising the equal importance of agriculture to that of industry and commerce. The Indian Delegation also emphasised the necessity of adopting measures like Co-operation which would reduce the cost of production and increase the marketing strength of the agriculturist. It is thus entitled to share the credit for the wise recommendations of the Conference in the matter of assistance to agriculture. Sir C. P. Ramaswami Ayyar has emphasised the fact that the conclusions of the World Economic Conference were acceptable generally to India, and consonant with its traditions of Economic Liberalism: “The recommendations and suggestions of the Conference have yet to be considered by the Indian legislatures and the Indian Executive Government, but it can be said with some confidence that these recommendations are in general conformity with the principles already followed in India; and, where there are differences they are susceptible of adjustment and compromise. In the matter of agriculture, it is generally known that there is an important Royal Commission dealing with the topic of Indian agriculture and allied problems, and we in India are awaiting the report of that Commission, which will no doubt engage the early attention of our local and central Governments. In their consideration of the matter they will undoubtedly derive immense assistance from the resolutions of the

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<sup>1</sup> Report and Proceedings of the World Economic Conference, Vol. II, p. 181.

<sup>2</sup> *Ib.*, p. 180,

most authoritative gathering of economic experts that has ever been summoned.”\*

### Influence of the Work of the Conference.

For some time after the termination of the Conference the promise was very fair that its work would bring about a general lowering of tariffs and a removal of the threat of the great depression which seemed imminent. The signs of the times were indeed most hopeful, and the commercial policy of highly protectionist countries showed a great change for the better. As Grotkopp has remarked “Germany’s treaty policy was really exemplary, at least upto the end of 1929”. In the case of France the same author noted the great change that took place when the commercial treaty with Germany was concluded (August 17th 1927). “Unrestricted most favoured nation treatment was granted. The same policy is now followed in negotiations with weaker states.”<sup>1</sup> A still keener observer—Sir Eric Drummond—remarked that “at that moment bilateral action looked the most promising road.” The Convention regarding the abolition of all imports and export Prohibitions had been launched with hopeful prospects for the time being, and was followed by the successful Conference on hides, skins and bones. M. Serruys outlined a most hopeful programme of an undisputably logical consistency before the 2nd Committee in 1928. That programme of M. Serruys deserves a most careful study as showing the hopes then entertained and the steps contemplated. First would come the improvement in customs nomenclature; then the tariffs would be made to correspond; the most favoured nation clause was to be strengthened and properly interpreted; and then would come the commercial agreements which would lower tariffs. Thus M. Serruys was hopeful of revolutionising the commercial policy of Europe in four or five years.<sup>2</sup> Nor was the enthusiasm confined to the French Delegation alone. The German Delegate, Dr. Breitscheid, was able to point out that the convention relating to export Duties on bones was a most valuable example

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\*Indian Delegation Report, 1927, p. 94.

<sup>1</sup> Grotkopp, *Breaking down the Tariff walls*, pp. 69—70.

<sup>2</sup> Minutes of the Second Committee of the Assembly, 1928, p. 23.

of the reduction of Custom Tariffs by collective treaties.<sup>1</sup> The attitude of Germany was indeed so favourable that it called forth special praise from the French delegate: "When the delegate of Germany declared that, without treaties and without agreements, his government was ready to lower its tariffs, was not that statement inspired by the feeling that the work at Geneva was going forward and that it was possible in 1929 to do more than was contemplated in 1926? Was that not also the feeling of France? Had not Poland yesterday declared that in so far as the uncompleted part of the work of the League was concerned, she would abstain from framing her tariffs until she had been informed of the conclusions of the Economic Committee?"<sup>2</sup>

The prospects of successive reductions of tariffs were enhanced by the formation of the Consultative Committee—a material addition to the mechanism of Economic Organisation. M. Loucheur observed that the Economic Organisation henceforth had an engine and a steering wheel. That was true. "It had also an accelerator which was sometimes somewhat sensitive. That accelerator was the Consultative Committee". The only question of delay seemed to arise from the smaller agricultural states, *e.g.*, Roumania and Ireland, which would give in their adhesion to the economic work of the League when agricultural interests were treated with the same care as industrial ones—surely not an unreasonable expectation.

### **Concerted Economic Action.**

The work of the Ninth Assembly in attempting to implement the recommendations of the World Economic Conference was worthily continued in the Tenth Assembly (1929). There was a Joint Franco-British resolution for a tariff truce and for the summoning of a preliminary Economic Conference. Mr. Graham's idea was to restrict the scope of negotiations to protective tariffs, and contemplated a conference to secure, by the end of 1931, a general reduction of such protective tariffs as were excessive. Dr. Breitscheid, the German Delegate, expressed sympathy with this proposal. M. Hymans (the Belgian delegate) gave a strong expres-

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<sup>1</sup> *Ib.*, p. 21.

<sup>2</sup> *Ib.*, p. 24.

sion to the idea of economic disarmament. He felt, however, that the idea of giving an unconditional and comprehensive interpretation to the most favoured nation clause must be given up in face of the disparity of the industrial development of states; and he suggested that the clause should give no right to benefits under multilateral conventions to non-signatories.\* M. Briand came forward with the idea of European Union as a method of economic disarmament and was backed up by Herr Stresemann. M. Colijn, ever a champion of freer trade, took up this line of proposal, though he emphasised that the idea should be approached with caution at that juncture. On the other hand, Japan pointed out the difficulties in the way. What asked the Japanese Delegate was the criterion for example, for distinguishing between protective and fiscal tariffs? what was to be the position of overseas colonies as regards tariff truce? and what was to be the position of those states which were outside the United States of Europe with regard to their rights under the Most-favoured-nation clause? In the face of such difficulties the actual resolution “represented a compromise which all could accept but which few, if any, received with enthusiasm”.

### **India and Concerted Economic Action.**

Naturally, India admires and sympathises with the efforts that have been made since the World Economic Conference of 1927 and in the Truce Conference of 1930, to reduce the level of high protectionism and to abolish Import and Export Prohibitions and Restrictions. Nevertheless our country has consistently emphasised the rational, moderate and scientific character of that system of Discriminating Protection which is at present in operation in India and has refused to abandon it. This refusal has been both consistent and justifiable. For the principle of Discriminating Protection is based upon the indisputable economic concept of Comparative costs on which the whole theory and the right practice of International trade policy is founded. Acting on this rule, India extends protection only to those infant industries which possess comparative natural advantages and which can be expected to stand up against

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\*British Delegation's Report, 1929, pp. 18—19; Drummond, *op. cit.*, pp. 201—202.

foreign competition after they have enjoyed a reasonable measure of protection for a few years. Taking their stand on such solid ground the delegates of India have successfully withstood all attempts to extend the same treatment to them which is proposed for countries with a double dose of excessive Protectionism. This position was maintained by Sir Campbell Rhodes at the World Economic Conference. Earlier still, Sir William Meyer had questioned whether the words "equitable treatment of Commerce" implied a consideration of tariffs. In a speech in the Second Committee in the year 1929 Sir Geoffrey Corbett described the position of India with care and precision; and, indeed, his speech forms the *locus classicus* on the subject, though he might have added to the strength of his argument by including a fuller exposition of the distinguishing features of our system of Discriminating Protection. He pointed out, however, that the World Conference had not condemned all tariffs as such, nor had it recommended the lowering of all tariffs irrespectively of their character and level. What was objectionable was excess in protectionist policy. Subject to this perfectly legitimate interpretation, India was ready to adhere to the declaration of the World Conference against tariffs; and for the same reason India was not prepared to suspend her tariff policy for any term of years, since it was "sane, moderate and necessary for the economic welfare of the country." What the World Conference had emphasised was "the considerations which demand a return to a general policy of freer international intercourse"; and what it laid down was "that the time had come to put an end to the increase in tariffs and to move in the opposite direction". As the Hungarian Economist, Elemer Hantos, has put it "the liberal policy of the Conference was not directed against tariffs as such but against their exaggeration. It did not amount to a condemnation of defensive tariffs but was only an appeal to reduce the highly elevated tariffs." Consequently, the Indian delegate "regretted, that he would be unable to undertake on behalf of his country to support any resolution or to participate in any conference which would bind India to refrain from increasing its customs duties for a term of years, for the tariff in his country was primarily a revenue tariff and it was impossible to foresee what would be the future revenue needs of India. He admitted that



the text of the resolution only referred to protective tariffs, but he emphasised the difficulty of distinguishing between protective tariffs and revenue tariffs or of drawing a line of demarcation between them. A revenue duty often had, as a kind of by-product, some protective effect, and when a revenue was being framed it might be right and proper to consider its effect on the producer as well as on the consumer. India, therefore, would undertake nothing which she might be unable to carry out. Moreover, India was not prepared to suspend for a term of years her protective policy. She considered that it was sane, moderate and necessary for the economic welfare of the country. India had not abused her fiscal freedom in the past, and there was no reason why she should be expected to fetter her freedom now. He appreciated that such an undertaking might be necessary in some cases in order to create 'an atmosphere of confidence,' but there was nothing in the tariff policy of India, past or present, that need disturb the confidence of anyone. Many speakers had alluded to the tariff war in Europe, and had described this undertaking as a 'tariff truce' or a 'tariff armistice.' "Such an armistice should be for the belligerents, and India, which was neutral in this war, need not be expected to be a party to it."\*

### **The Reaction.**

By the year 1929 the momentum given by the World Economic Conference was visibly slackening and commercial policy was coming under reactionary influence leading to a marked retrogression. This was due to the advent of the great Depression which brought such distress in its train that the thoughts of the world were diverted towards immediate palliatives. Had the Conference been held earlier, or had the tendencies towards the Depression been less headlong and overwhelming, the economic history of the world might have been changed. As it was, the measures contemplated in order to carry out the recommendations of the Conference were all very partially successful and had no time to produce their full effects. Thus, the Conference held with a view to concerted Economic Action resulted in a Convention which, even had it been carried out, would have provided a stabili-

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\*Indian Delegation Report, 1929, pp. 78—79.



sation of tariffs to a limited extent, for a short period, and only for the parties concerned. The best that could be said for it was that "the move for a tariff truce did not arrive at its purpose but did give formal recognition to the interdependence of European Commercial policies." It was something to state the general aim of "a close co-operation in improvements in production and distribution, and the widening of markets by facilitating intercourse among the European States and with the countries overseas".\* India was, of course, not represented at it. Then as regards the Import and export Prohibitions and Restrictions, a third Conference was held in 1929 and India was represented on it by Sir Atul Chatterjie, but she could not see her way to ratify the Convention. And even as to the other states, the requisite number of ratifications were not available owing to conditional acceptances on the part of several states owing to the economic conditions in Eastern Europe. The special reasons which led India to stand out need not detain us therefore. In fact the Depression has caused an Economic stampede amongst the nations of the world in which the voice of caution and of reason is unheeded.

Some criticism was directed against the work of the World Economic Conference and of the League since 1927 by M. Francois Poncet, who speaking before the Commission of Enquiry for European Union, commented on the failure of the programme for reduction of tariffs. In the first stage, he said, the League "endeavoured to persuade the persons concerned to lower their tariffs simultaneously and on uniform lines." This aim, he observed, was ambitious and failed because in each country the situation is very complex. During the second stage the proposal was made "to revert to the idea of a stabilisation of duties and to secure at least what has been termed a Customs truce. The success achieved in that direction was not much greater". M. Francois Poncet then proceeds to give the reasons of the failure—"customs duties are probably an effect rather than a cause of the crisis"; and then he suggests what he believes to be the true remedy of the crisis—the adoption

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\*Grotkopp, *op. cit.*, p. 109.

of the method of international industrial agreements.<sup>1</sup> With all deference, we might proceed to make a couple of remarks on this presentation of the matter. In the first place it is necessary to emphasise the mutual inter-relation of economic phenomena. The high tariffs are to be regarded both as a cause and an effect of the crisis. In the second place the method of international industrial agreements was not neglected by the World Economic Conference but was assigned its proper place in the comprehensive programme to be adopted to avert the great crisis which was then impending.

The reasons for the hitherto inadequate measure of success of the efforts of the League to improve the commercial policy of the world deserve a very careful examination. The various factors in the situation were examined by the Sub-Committee of Economic experts attached to the Commission of Enquiry for European Union and as in some ways this is an authoritative account of the matter we might begin by presenting view of the matter. The first obstacle to the freer development of economic life was, according to that sub-committee, the lack of confidence caused by the want of any assurance of lasting peace. "In the absence of this assurance, the nations are not content to become dependent upon one another for food, raw-materials or the basic products of industry". Apart from this disconcerting political factor, the various schemes previously studied at Geneva made no special provision for gradual change, having regard to the existing economic structure and to established interests. This has been stated to be a second stumbling block. Finally, another reason had been put forward for the limited success to the effect that "there has not always been a clear conception of the ultimate goal. In the absence of such a conception to act as a guide as well as an encouragement, tariff reduction, whether by general agreement or by means of bilateral treaties, appeared in the light of a bargaining arrangement and not of a step towards a new and better system of international Economic life."<sup>2</sup>

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<sup>1</sup>Proceedings of Commission of Enquiry for European Union, pp. 22—23.

<sup>2</sup>See Report of the Sub-Committee of Economic Experts, (C. 510, M. 215. 1931, VII, p. 3).

There is much that is sound and reasonable in this explanation. Yet one might make bold to say that there are some gaps in it. In the first place the ideal of the World Conference was certainly a gradual reduction of tariffs, and in the second place that Conference had at the back of its mind—if one might say so—the idea of the Economic rationalization of the world. In the opinion of the present writer, the main factors in depriving the World Conference of its well-merited success consisted of the political bitterness and the unexpectedly early advent of the great Depression.

### Struggle against the Reaction:

#### Recent Phases of the Protectionist Controversy.

But, although the flood of depression is threatening to obliterate the landmarks and guiding principles which the World Economic Conference had attempted to provide, there is no fear that the policy of the Conference will receive a lasting check. While high tariffs and measures allied to it are sure to enjoy much undeserved popularity in periods of Depression that does not imply their permanence. Let us hear what a sound economist like Prof. Grotkopp says about the prospects. "The most important countries of Europe feel very keenly to what contradictions the irrational measures of state policies have led. What difficulties arise in consequence of the limitation to narrow markets is clearly seen by the seriousness of the Economic crisis, the high number of the unemployed, the lowering of the standard of life. Therefore an ever-increasing number of economists say: 'Either we must get rid of protectionism or a social revolution is unavoidable' ".\*

We should not forget that in the Second Committee of the Assembly in the Session of 1930, the distinguished French Delegate (M. Flandin) put forward a resolution that the League should again take steps to convene another international conference, where the principles of freedom of commerce might be discussed. This resolution was strongly supported by quite a number of delegates—amongst others by those of Japan and Switzerland. On behalf of Great Britain, Miss Susan Lawrence supported the idea eloquently. The idea of the Tariff Truce is then by no means given

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\*Grotkopp, *Breaking down the Tariff walls*, p. 98.

up and is being steadily worked at. Thus, after the Assembly Session of 1930 there has been the Second Conference for Concerted Economic action. It considered, on the one hand, the proposals of the British and Netherlands governments; the first of these proposals was for trying to effect a general reduction of Customs tariffs by means of multilateral agreements between groups of countries to be gradually extended. The Netherlands government suggested that negotiations should be started between groups of countries with autonomous and conventional tariffs respectively—the former promising to maintain their liberal system in return for tariff reductions by the latter.<sup>1</sup> It appeared however, that, for the time being, collective negotiations between all countries concerned were not a very promising line of work, though several countries expressed their willingness to enter into bilateral agreements with Great Britain and the Netherlands in order to improve their commercial relations. There was also the proposal of the Danubian states for preferential treatment of their grain produce to be considered by the Conference. But these proposals, too, met with difficulties, so that the conference preferred to turn its attention to the problem of agricultural credits in order to benefit these countries particularly.<sup>2</sup>

But, besides the opinions of experts and the efforts of delegates, there are other signs of the time which are of great importance. Thus the idea of a European Customs Union is by itself a most significant protest against the *regime* of high tariffs, second in importance only to the Report of the World Economic Conference. Then there are the "Recommendations relating to Commercial policy" which the Economic Committee has been publishing, and of which the value as ideals and guides of the world's commercial policy cannot be exaggerated. And, further, we shall proceed to note the support for the policy of Economic Liberalism in this matter of tariffs which has been received during the discussion in the Assembly and in the Second Committee, in the course of the last two years. When these discussions ranged about topics like the Most Favoured Nation clause, and the proposals for regional

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<sup>1</sup> Minutes of the Second Committee, 1930, pp. 43, 55 and 57.

<sup>2</sup> A. 6, 1931, p. 90.

preferences and multilateral treaties, the point of view of Liberalism was championed not only by Great Britain and by India as well as by the Dominions, but by Japan and the countries of Northern Europe.

### **Lines of Recent Protectionist Controversy.**

It is worth noting here that during the period of the present Depression the great battle of "freer trade" vs. high protectionism has been carried on most hotly around two positions. The first of these consists of the various exceptions attempted to be made to the most-favoured-nation clause. The second focus of the conflict is formed by the attempted regional preferences. There are reasons why these aspects of high Protectionism have come in for special prominence of late. The policy of high tariffs has been, for one thing, carried so far that nothing was likely to be gained by direct additions to the tariff walls. But the nations who were most threatened by the Depression naturally wished for some further stand-by. Hence, as the Economic Committee has said "not content with having put up a first barrier by means of high tariffs some countries erect a second, by fixing quotas so as to limit imports to an even greater extent than was possible by high tariffs." The same Committee has termed Customs quotas "the expedient of a period of excessive protectionism."\* Another "stand-by" was found in preferential agreements. The main issue of high protectionism was however, occasionally brought forward directly since it could not be quite ignored. It had to be faced when the late Mr. William Graham (President of the British Board of trade) suggested that in reducing tariffs it was advisable to proceed by groups of commodities, beginning for example with machinery and textiles. Dr. Schuller, the accomplished economist who represented Hungary, argued in his reply that "we must proceed by stages, but the stages would consist in taking, not groups of commodities, but groups of countries. This brings us back again to the suggestion of regional agreements". We thus see the importance of the discussions regarding the scope and interpretation of the most-favoured nation-clause and of regional agreements in the most recent phase of the protectionist controversy.

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\*Report of the Economic Committee to the Council on the work of the 35th Session, (C. 427, M. 177, 1931, H. B.), p. 11.

### Discussions upon the most-favoured Nation Policy.

The question of the proper interpretation and application of the most-favoured-nation clause was raised in the year 1930 by a draft resolution put forward by the Delegations of Denmark, Estonia, Finland, Latvia, the Netherlands Norway, Sweden and Switzerland. The main speech on behalf of the resolution was delivered by M. Munch. He argued that the most-favoured-nation clause was endangered in three directions—by the system of Customs quotas, by increased specification in Customs tariffs and, in the third place, by preferential agreements. Such agreements were either official agreements concluded between states or private agreements concluded under Government auspices between big economic organisations. The quota system, in particular, might be so used as to amount to Customs preference, and might be so extended to countries with low exports as to enable them to increase their exports at the expense of countries which have normally been the principal exporters. This use of the Customs quotas, concluded M. Munch, was “a negation of the very idea of the most-favoured-nation clause.”<sup>1</sup>

Dr. Trip, the Delegate of Netherlands, added a note of warning when he observed that it was “fundamental for the world as a whole and especially for Europe, that the free-trade countries should be enabled to remain free-trade countries.” He urged that “a fair and loyal application of the most favoured-nation clause is the basis, the corner-stone of the present commercial policy of the Netherlands,” and “that should this basis yield or be weakened to a considerable extent, it would prove very difficult to maintain the present policy.”<sup>2</sup> The representative of Belgium was also against any compromise on the principle of the most-favoured-nation clause. He pointed out that the Economic Committee had recommended that the clause should be given as wide and extended an application as possible. “Only one reservation is stipulated. It is in the case of multilateral agreements of a general character of the improvement of economic relations between peoples”. On the other side Dr. Schuller argued that though “the

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<sup>1</sup> Minutes Second Committee, 1930, p. 17.

<sup>2</sup> *Ib.*, pp. 40; 30; 19.



world cannot do without the most-favoured-nation clause'', he preferred ''frankly to admit certain modifications rather than to have recourse to round about means in order to meet real needs''. The representative of Roumania. (M. Madgearu) thought ''with Dr. Schuller that, if it is proposed to fix the scope of this clause, it must be formulated in conditional and limited form.''

The point of view of India was thus represented by one of its delegates (Sir J. C. Coyajee) : ''In the matter of policy regarding and interpretation of the most-favoured-nation clause, we are working here for a new orientation of vision and of endeavour, and I beg permission to describe the position of my country with regard to the problem of most-favoured-nation treatment both in the past and under present conditions. As has been well observed, it requires more ingenuity of mind to explain why the more liberal and unconditional form of the clause should ever have been abandoned once it had been discovered, than why it was originally invented. As a matter of history, the unconditional form of the clause was almost universally adopted after the 'sixties' of the last century: but later on there was a revulsion against that interpretation for various reasons. India, however, like Great Britain, never shared in that revulsion, and, in the main, it might be said to have anticipated in its practice those enlightened principles regarding the most-favoured-nation clause to which we are now working up. It can, therefore, accept the model formula which the Economic Committee has drafted so carefully; for in the main it states the general principles already adopted by India. Further, we regard most-favoured-nation treatment as a principle essential to satisfactory international relations in economic matters, and we consider that no State is justified in demanding any other consideration for grant of unconditional most-favoured-nation treatment than acceptance of such treatment in return. We can therefore agree to the unconditional and unrestricted character of the clause.''

''Similarly, in the light of its traditions of liberalism, India can agree to the principles laid down by the Economic Committee with regard to the field of application of the clause which extends to prohibitions of import and export as well as to customs duties



We can also accept the distinction, drawn by the Committee between active and passive trade. With regard to the character of goods, also, India grants most-favoured-nation treatment to all States without exception; and consequently it is not concerned with the difficulties discussed in the Committee's report."

"In conclusion, something might be said regarding the limitations on and reservations regarding the clause. And first we notice the relations between bilateral agreements based on the most-favoured-nation clause and economic plurilateral conventions. Faithful to its principles in the matter, India would not ordinarily refuse benefits of a convention signed by it to a non-signatory State with which it is on most-favoured-nation terms. That is in accordance with our traditions. We recognise, however, that it is open to other States to revise their bilateral agreements so as to reserve a right to refuse benefits of plurilateral conventions to non-signatories. But we consider, firstly, that such a reservation should be expressed in bilateral agreements and not introduced as a clause in plurilateral conventions; secondly, that the reservation can only apply to future plurilateral conventions and should not apply in cases where a non-signatory is prepared to exchange all or some benefits and liabilities of convention with the signatory to the latter's satisfaction. In other respects we accept the reservations stated in the report of the Economic Committee."

"But I must express my dissent from and opposition to the systems of customs quotas and specialisation which might operate in such a way as to nullify, at least partially, the generality of the most-favoured-nation clause; and so far I am in hearty agreement with the delegation of Denmark. Quotas to a great extent imply discretions in their manipulation, and their calculation and manipulation affords loopholes. The delegate from Denmark has done a great service by emphasising the adverse possibilities of restrictions and control exercised in the name of rationalisation. Even the exigencies of a depression are no justification for reducing the scope of the most-favoured-nation clause and tampering with its integrity."

“Alike in the presentation of the formula of the most-favoured-nation clause and in the recognition of reservations and limitations to it, one great principle has to be borne in mind. The wider and more unconditional the form given to the most-favoured-nation clause the less will be the differentiation between countries, with the result that the number of most-favoured-nation treaties will increase and a larger number of countries will be linked by treaties. That is the judgment of recognised economic experts and upon that basis we shall do well to erect our structure of most-favoured-nation treatment. Let us not obscure the clear-cut outlines of the clause by modifications adapted to every economic fluctuation—modifications of which the limits we cannot foresee. A mutilated most-favoured-nation clause will be of poor service for liberalising the commercial policy of the world.”\*

The Japanese delegation also strongly supported the proposal made by the delegation of Denmark that the League should take effective measures to guarantee a more liberal interpretation of the most-favoured-nation clause. Similarly the representatives of Great Britain, Australia, Ireland, South Africa and Canada saw the strongest objection to any abandonment or even weakening of the most-favoured-nation principle. The views of the British Delegate on the subject were expressed with great clarity: “We regard the most-favoured-nation clause, which embodies the principle of equal treatment for all, as the best guarantee against the creation of international rivalries in the economic field, and it is for this reason that we are convinced that the widest and most liberal extension of the principle is bound to prove on the whole of the greatest advantage to all countries concerned.”†

### **India's of Position to the Reaction.**

In view of the work of the Economic Committee on the subject some further remarks might be made as to the position of India in the matter. In general our point of view has been that the most-favoured-nation principle is essential to satisfactory international relations in economic matters, and that no state is justified in demanding any other consideration for the grant of unconditional

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\*See Indian Delegation Report, pp. 99—101 of 1930.

†Minutes of the Second Committee, 1930, p. 54.

most-favoured-nation treatment than acceptance of such treatment in return. In other words, the grant of most-favoured-nation treatment should be mutual and unconditional and independent of other considerations, such as customs duty reductions which are apparently sometimes regarded as an "equitable set off" to the most-favoured-nation clause. With regard to the character of goods, India grants most-favoured-nation treatment to all states without exception. The general principles adopted by India on the subject are such that India might be said to have anticipated the best part of the work done by the Economic Committee, *e.g.*, with regard to the necessary exceptions to the scope of the most-favoured-nation clause and the model formula proposed. This reference to the work of the Economic Committee is necessary to explain the references in the speech of the Indian delegate to its work.

The views and contentions put forward by the Indian Delegation and its supporters in 1930 on the subject of most-favoured-nation policy can be fully supported by a reference to the views of eminent economic experts. The name of Prof. Viner is well known to all students of commercial policy. In an admirable article on the subject of most-favoured-nation policy contributed by him to the *Journal of Political Economy* (vol. XXXII: 1924) he makes out an unanswerable case for a comprehensive and unconditional interpretation of the clause. He examines the view which has sometimes been put forward that the unconditional interpretation prevents the conclusion of treaties granting special concessions. His answer is that "it is precisely such treaties which bring about tariff discriminations, inequality of treatment, ill-feeling and diplomatic bickerings; and it was exactly to avoid these, that the unconditional most-favoured-nation clause was employed." Further, Prof. Viner points out, in the light of the long American experience, that the conditional interpretation of the clause "has probably been the cause in the last century of more diplomatic controversy, more variations in construction, more international ill-feeling, more conflict between international obligations and municipal law, and between judicial interpretation and executive practice, more confusion and uncertainty of operation, than have developed under all the unconditional most-favoured-nation pledges of all other countries combined." In

the view of the eminent economist whom we have been quoting, "the unconditional practice is more effective than the conditional in securing equality of treatment"; and he adds that during "the last sixty years European countries following the unconditional practice have made more frequent and more substantial mutual reductions of their statutory duties through diplomatic arrangements than has the United States of America with its conditional practice."

A very well balanced view of the issues in the controversy is given by another well-known American economist, Mr. Culbertson, in his valuable treatise on "Commercial Policy in War time and after": "The actual result (of conditional interpretation) in practice has been *special agreements establishing inequality*. The unconditional clause, on the other hand, gives and accepts guarantees that the nations concerned will not discriminate against each other. There again *much depends upon the spirit in which nations use the most-favoured-nation clause*. Unconditional most-favoured-nation treatment, involving the generalization of each favour, need by no means result in equality of treatment, and conversely conditional most-favoured-nation treatment, *with its special reciprocity agreement*, need by no means result in discrimination. Where, however, the guiding principle of a government is equality of treatment, *the presumption is in favour of the unconditional clause. It is a highly desirable supplement to the concessional methods of bargaining, and in general tends to remove discriminations and to establish equality.*"

In view of the opposition of the Indian delegate to Customs quotas it is interesting to note here the opinions expressed by the Economic Committee in the next year (1931) upon the subject. It was to the effect that "Customs quotas, which are a consequence of excessive protectionism, nearly always tend to increase this protectionism. It is inevitable that quotas should disturb the freedom of competition between the various countries interested, so that they develop into a violation of the most-favoured-nation clause. As a general rule, therefore, they are to be condemned and avoided. If, however, their tendency is to *regulate* the import trade by helping to tide over periods of temporary difficulty, in such cases they may be so fixed as to cause a minimum of injury to the interests of third

countries.'\* This pronouncement of an expert and neutral body like the Economic Committee is very noteworthy. It asserts that Customs quotas are a manifestation of excessive protectionism, and are admissible only in such few cases in which they do "not impair the equality of conditions in international commercial competition."

In concluding our case for the liberal interpretation of the most-favoured-nation clause attention might be called to two beneficent aspects of it. In the first place it has been well emphasised that it is a most necessary condition of economic equilibrium in the world. In pre-war days in spite of the growing excesses of Protectionism something like a condition of equilibrium and of stability of commercial policy had been reached, thanks to the influence of this clause. But besides its purely economic aspect it can be regarded from another very important point of view it represents something like the "rule of law" in commercial policy. It has been well said that the clause "is more and more coming to be identified with the *regime* of common rights as between nations. It is on that account that countries which are not protectionist in any great measure possess and manifest so much zeal for its unconditional interpretation.<sup>1</sup>

### Preferential Proposals.

A closely related controversy has been going on upon the subject of the potentialities of preferential agreements and their relations to the most-favoured-nation clause. The controversy originated in the International Agricultural Conference held at Warsaw in August 1930. The smaller agricultural countries of Eastern Europe<sup>2</sup> which were vitally interested in the export of their agricultural produce met there and discussed the problem of agricultural surpluses. Many recommendations were put forward most of which were indisputably of a sound character. They related

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\*Report of the Economic Committee on the work of the 35th Session, p. 11.

<sup>1</sup> Cf. *Annals of the American Academy of Political Science*, July, 1931. pp. 108—109.

<sup>2</sup> These countries were: Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Poland, Roumania and Yugoslavia. For the Resolutions see the Minutes of the Second Committee, 1930, pp. 106—109.

to the establishment of a large-scale organisation for the concerted sale of agricultural produce especially cereals; other useful proposals were on the subject of the conclusion of an international convention for the abolition of direct and indirect bounties on the export of agricultural produce. The main controversial recommendation was the one recommending that preferential treatment should be granted by European importing countries to cereals and other agricultural produce of European origin. It was freely admitted that "such preferential treatment is obviously inconsistent with the most-favoured-nation clause," but against this were placed the necessities of the states concerned. "While admitting the importance of the most-favoured-nation clause in international trade, the Conference is bound to observe that, in the peculiarly serious position of agriculture, the only effective and practical remedy for the agricultural depression is to *make an exception to the clause for agricultural produce of European origin.*" It was also added that such regional agreements must form a step in the direction of a general readjustment of the economic policies of the countries of Europe. Above all, the work of regional preference was to be carried on through the League of Nations and the resolutions were forwarded therefore to the Secretariat of the League with the request that they might be brought to the notice of the States signatories of the Protocol regarding Future Negotiations signed at Geneva on March 24th 1930.

In the course of any judicious appraisal of these proposals it is obvious that the first and most important criticism has to be levelled *against the utilisation of the League's machinery and instrumentality* for forwarding them. Otherwise on their merits many would certainly regard the idea of creating wider markets by regional agreements as an advance on purely "national" policies. Conceivably such regional agreements might prepare the ground for some lowering of customs duties. For although the history of the former Zollvereins which the world has witnessed does not fill us with much optimism in this respect, yet one must admit that the world's mentality has been changed to some extent. Consequently, the attempt to create larger "regional" economic units must be favourably regarded when contrasted with merely "national"



policies, though it cannot but be regarded as of inferior merit when compared with that of a general reduction of tariffs.

The second line of criticism to which preferential proposals like those contained in the recommendations of the Warsaw Conference are open is that they are avowedly and seriously in conflict with the principle of the most-favoured-nation clause which constitutes the very pillar of the commercial policy now in force. Now "the most-favoured-nation principle has gained ground in the post-war period and, again more recently under the influence of the World Economic Conference"\* The distinguished Hungarian economist whose words we have just quoted agrees with the well known memorandum of M. Stoppani in treating the troubles of Europe to the break up of the territorial integrity of its central portion by the Treaty of Versailles; and he is only for making "relative" and temporary exceptions to the most-favoured-nation clause in order to facilitate preferential agreements. That has been the attitude of his country and of most states of Central Europe.

The proposals of the Warsaw Conference were of great interest to India as well as to other overseas-countries which are mainly agricultural in interests. Along with these countries and Japan, the Indian delegate criticised the proposals for the conclusion of merely regional agreements through the League. He further emphasised that mere local agreements could not be expected to raise the *general* standard of living and thus to remedy the depression.

The observations of the Indian Delegate on the topic of the Warsaw Conference might be noted here: "The controversy referred to by our Chairman can be briefly summarised thus. On the one hand, the unconditional form of the most-favoured-nation clause leads to an automatic distribution of advantages and to a greater approximation in the tariff levels of a number of countries. The potential disadvantage alleged is that in some countries reluctance to join the commercial agreements might be increased. These considerations have to be balanced against each other. There is however, much authority and experience behind the view that the

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\*M. Elemer Hantos, *op. cit.*, pp. 291—292.



existence of a considerable differentiation in tariff treatment is even more hurtful to general trade than the absolute height of tariffs.

“The danger of making limitations to the most-favoured-nation clause is that the system of reservations may develop into a fine art, and be easily carried too far. The League must prize the clause as a compass by which to steer its course, and it would scarcely be judicious to throw that compass overboard in the name of ‘opportunism.’

The Indian Delegate then proceeded to discuss the Warsaw resolutions: “The present agricultural crisis has been compared by one of the speakers to other crises, but I submit that it has a special character, for it is in a great measure due to the extension of production in some tropical countries and in relatively new agricultural countries. Thus the area under crops in Canada, Argentina, and Australia has increased by perhaps 200 per cent. since the 1900. Hence the general complaints of dumping and of the decline of prices. In effect, production has been outrunning consumption, and *local agreements cannot remedy this general state of affairs*. Consumption can be stimulated effectively only by raising the standard of living all over the world. That is quite beyond the power of local agreements such as the one before us. What is wanted is a comprehensive policy to achieve that end.”

He proceeded to ask, was the present occasion a proper one for the Committee to decide that the League should embark upon work in execution of the resolutions of the Warsaw Conference? The Assembly had only just created a Committee to consider as a general question the means by which economic problems of exclusively European concern can be dealt with within the framework and through the organisation of the League. It seemed, therefore, that by adopting any positive resolution with reference to such particular proposals as those of Warsaw, the Committee would be prejudicing the solution of the general question, and creating a precedent the implications of which could not be foreseen. It seemed the more proper and correct course to defer any decision on our part with regard to the Warsaw resolutions, at least until the report of the Committee on European Union is ready.

The Indian delegate added that the non-European countries could have no possible objection to the conclusion of any agreements for preference between groups of European countries upon economic topics, but it was a different matter entirely when such agreements were proposed to be made through the instrumentality and under the auspices of the League which was necessarily concerned with world affairs and policies.\*

The views expressed by the Indian Delegate were supported by Mr. de Villiers, the South African delegate. He argued that it was most undesirable that the offices of the League of Nations should be enlisted by groups of producing countries in some parts of the globe for the purpose of getting treatment accorded to them which would amount to discrimination against countries in other parts. That course would be entirely inconsistent with 'the concerted economic action' at which the proposals professed to aim. He could not understand how it could be contended that such action would not injure the interests of overseas countries. Speaking on behalf of Canada, Dr. Riddell argued on the same lines. Having come there to participate in the activities of a world organisation they find themselves asked to approve of a proposal that aimed at shutting out their products from free competition in the markets of the world. That was the pure, unadulterated, unvarnished truth about the matter. He was at a loss to understand why its advocates brought this question before the Assembly of the League, since the proposal had already been ruled out of court by the Committee of Agricultural Experts that met there last spring. It had also been found unacceptable to the preliminary Conference on Concerted Economic Action. The Canadian delegation recognised to the full that any country, or group of countries, had complete liberty to regulate its commercial policy as it thought best; but they could not be expected to associate themselves with an expression of approval by the Assembly of a policy which, to say the least, was not in harmony with the past pronouncements of the League, and which was destined to close certain important markets to the products of extra European countries.†

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\*Indian Delegation Report, 1930, pp. 100—101.

†Minutes of the 2nd Committee, 1930, p. 50.

The conclusion to which the Second Committee arrived as the result of the discussion is also worth noting: "The Second Committee therefore believes that the proposals of the agricultural countries which met at Warsaw come within the scope of the economic reorganisation to be discussed between States signatories of the Protocol of Future Negotiations of 24th March 1930, always provided, however, that, in accordance with the Tenth Assembly's resolution, the non-signatory States may be asked to participate; and, further, that the result of all such negotiations shall be brought before a Conference which all States, without distinction, will be asked to attend."\* The reference to participation of the non-signatory states and the idea of placing the results of the negotiations before a new Conference amounted to an acceptance of the arguments advanced by India and other over-seas countries.

It might be of advantage to summarise the work done by the League in the matter of the excesses of Protectionism. Let it be remembered that the League has had to deal with two successive epochs of the recrudescence of very high Protectionism. One such epoch was formed by the years following the termination of the war. The League met this grave threat to the commercial policy of the world by convening the World Economic Conference which brought about a general agreement on the principles of Economic Liberalism. Not only did the Conference make a detailed series of recommendations on tariff policy, but it also drew up a large programme of measures to supplement that more liberal tariff policy. Then came the great Depression bringing with it other novel features and forms of intensified Protectionism. At present the League and its Economic Organisation are busy suggesting and laying down the proper lines of most-favoured-nation policy and of commercial policy in general.

It is a very significant sign of the great need for international co-operation—for free trade and for larger economic units—that so soon after the Warsaw Conference has come the new proposal for something approaching a Customs Union of the five Danubian States. These states are suffering from the tariff scramble which followed the

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\*Indian Delegation Report, 1930, p. 53.

break up of the Austrian Empire as well as from currency troubles—not to speak of the agricultural depression. The present idea is to form a *bloc* of them for mutual preference. There are of course several difficulties in the way. It is not for us to speak of political suspicions as regards the lead taken in this new scheme of preference. But the chief economic difficulty is that some of the states have most-favoured-nation treatment with quite a number of states outside Central Europe; and unless these latter states waive their rights to most-favoured-nation treatment the conclusion of the preferential agreements is not feasible.

**Work of the League on the Economic Depression—  
The Indian Resolution on World Depression.**

While the debates on the Warsaw Resolutions and the Most-Favoured-Nation Clauses were going on in the Second Committee of the Assembly in the year 1930, the Indian Delegation proposed and carried unanimously a resolution for the study of the World Depression by the League. As the Report of the Delegates of India for that year states, "The Indian Delegation assumed the initiative in the Second Committee in pressing for a careful study of the causes and course of the Depression and for an investigation of any remedial or ameliorative action possible under the circumstances. Sir J. C. Coyajee said that the only alternative before the world in the present economic situation is co-operation or chaos. The world has had ample experience of the great evil caused by the long depression which marked the seventies and eighties of the last century."\* The Indian Delegate began by making some observations upon the nature of the Depression and upon the value of co-ordinated studies of that phenomenon under the auspices of the League. He observed that compared to the present depression that of the last century was of a simple character, being due in the main to monetary causes. The problem which faces us at present is a far more complicated and abnormal one. Any solution of it must be based upon the co-ordination of studies in many countries and will require a great and effective international effort. We cannot depend on any work which is unco-ordinated, of different standards in different

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\*Indian Delegation Report, 1930, p. 13.

standards in different countries or based on inadequate and geographically unequal information. No problem can be of greater importance for the economic prosperity of the world in the years ahead of us. Any effective work to solve this great problem is best prosecuted under the auspices of this League, for them alone both the procedure and the results can command the necessary and general confidence. Psychological causes are important factors in all depressions, and the dispelling of that undue diffidence which has been intensifying the present depression can only be achieved under the aegis of a body like the League. A symptom of such exaggerated diffidence is the hoarding of currency and of gold which has been going on in some countries; and a powerful impulse is needed to counteract this want of confidence. But not only has the morale and confidence of the business world to be restored, but production has to be guided aright. That task of guidance will be best performed if, under the auspices of the League, representative experts compile and give to the world an early and continuous presentation of the salient features both of the demand and of the supply side of the leading staples. In various quarters, I am aware, some work of the sort is being done already, but it is only the work of representative experts which can command full confidence and it is their inferences and forecasts based on such figures which can rightly guide producers. In the absence of such reliable and definitive guides to the tendencies in the economic situation there has been a great waste of resource in merely national efforts to tackle the problem either by way of restricting production in individual countries or by attempts to maintain prices locally. All such efforts need to be co-ordinated if they are to be successful, and further, they are to be based upon most reliable statistics of world production and demand.”\*

The Indian delegate then proceeded to emphasise the importance of the study of the agricultural aspect of the world slump. In framing his resolution he had attached an equal importance to the study of the agricultural and the industrial aspects of the depression. As a representative of a great agricultural country like

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\*Indian Delegation Report, 1930, p. 99.

India, he begged leave to emphasise the important bearing of the amelioration or termination of the present agricultural depression upon the prosperity of the manufacturing countries of the world. Generally speaking, economists were agreed that variations in the yield of crops in agricultural countries and the consequent changes in the fortunes of such countries had a notable causal efficiency in determining the range of industrial fluctuations; indeed, some authorities had gone so far as to claim for the former the sole causal efficacy as regards the success of the great manufacturing centres. The experience of the last decade or two have enriched economic experience and theory; and we can now justly emphasise in this connection, besides the changes in the volume of agricultural production, any alterations in the relative price commanded by it in terms of industrial products. Any great disparity of agricultural and manufacturing prices to the disadvantage of the former thus implied a tendency to a general depression extending even to manufactures. Since, then, the prosperity of agriculture is an important cause as well as precursor and the *avant courier* of manufacturing progress, it was obviously in the highest interest of the industrial countries to seek an early solution of the problem of our present agricultural depression.’’\*

The delegate from India went on to emphasise that it was far preferable to find remedies which would help all countries than to resort to discrimination in favour of a few countries. ‘‘If the League and the world were to find a solution of the present agricultural depression it has to be attempted upon perfectly general lines, and not with reference to the special conditions of one or more groups of countries. A procedure which sought to solve the problems of some countries and disregarded others would be alien to the principle on which the League is founded, and it would not afford adequate relief to the industrial countries of Europe. In the main, the largest agricultural countries with considerable potentialities of extension of agriculture in future lie beyond the limits of Europe. It is in the interests of the industrial countries of Europe themselves to study and investigate, before adopting any particular

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\*Indian Delegation Report, 1930, p. 99.



line of policy, the relative importance of the different agricultural countries as potential sources of demand for manufactures and as sources of supply of agricultural products at reasonable prices. The agricultural countries whose prosperity will be most advantageous to the manufacturing countries are, in fact, those which have large capacities of extension of production without a great resulting rise of prices; to put it in economic language, they are the countries with a considerable 'elasticity of supply.' It is fairly obvious that such agricultural countries are to be found, generally speaking, outside the limits of Europe. It is, therefore, certainly not in the interests of the manufacturing countries themselves, as a whole, to resort to any policy of which the scope is limited to Europe, and which is of a discriminatory character.'\*

The Resolution of the Indian Delegation received a great deal of strong support. The British delegate (Miss Susan Lawrence) heartily supported the resolution. The Japanese Delegation also "most earnestly supported the Indian draft resolution." It added that "such an enquiry should be made as quickly and effectively as possible." Mr. Coleman (Australia) observed that "the League, as I see it, is judged by critics, not on its successes, but on its failures and more attention should be given to the form of economic research suggested by the delegate of India. It can be generally agreed that more information is required to enable us to arrive at a satisfactory solution of the economic ills from which the whole world is at present suffering. For that reason I wholeheartedly support the resolution moved by the delegate of India urging that an economic study be undertaken of the phases of the present depression and the circumstances leading up to it."† The same opinion was expressed by Mr. Riddell (Canada): "The Indian proposal for a scientific investigation into the causes of the present agricultural and industrial depression has much to commend it, and, as such an enquiry appears to the Canadian delegation to be well within the sphere of action of the League, we are prepared to support this proposal. The study, however, should be world-wide. We have heard a great deal about the agricultural depression in Europe, but

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\*Indian Delegation Report, 1930, p. 99.

†Minutes of the Second Committee, 1930, p. 35.



the agricultural depression is general. I have made a close study of agriculture both in Europe and in North America and I am inclined to think that a highly industrialised agriculture such as exists in Canada or in Australia suffers more from an agricultural depression than a peasant agriculture.'† The Irish Delegate emphasised the fact that this was the first proposal for a really comprehensive inquiry into the depression. He observed that so far 'there had been no fundamental examination of the real causes of the depression. Symptoms, as I say, have been attacked, not the real disease. That is the reason why I welcome the general spirit of the resolution moved by the Indian delegation. I quite admit that the investigation will take time, but have we advanced so far in the last three years by having neglected to make it? Are we in a much healthier position? I admit that some advance has been made, but have there not been more disappointed hopes than real advance? Is the situation better now than it was when the policy was advanced three years ago? I suggest that, though it does take time, an examination of this kind is necessary if the League is to get into a really healthy position in this respect. I do not suggest that other methods should be dropped. I agree with the Belgian delegate that all methods must be used. We cannot wait without taking action, but all ways must be tried, and the method of studying and trying to find out the real causes of the disease should not be lightly turned down.'\*

Though the Indian resolution was supported by a great number of the States and though there were no opponents, some attempts were made to modify it. 'Thus the delegate for the Netherlands was for a preliminary inquiry by the Financial and Economic Organisation of the League as to whether the main inquiry proposed by the resolution was to be undertaken. The motive of such a preliminary inquiry was stated to be economy. The delegate for France also moved an amendment referring the inquiry to the Economic Consultative Committee 'without, however, engaging in any special procedure or special expense.' The resolution of the Indian Delegation was modified in form, though not in substance,

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†Minutes of the Second Committee, 1930, p. 50.

\*Minutes of the Second Committee, 1930, pp. 33—34.

by an amendment which introduced into it an explicit reference to the collaboration in the work of investigation on the part of the International Labour Office and of the International Institute for Agriculture at Rome. The resolution as framed originally provided for full and general co-operation on the part of all research committees and institutions which were capable of affording suitable or material assistance. The resolution, as finally passed by the Committee and afterwards by the assembly, was as follows:—

The Assembly, impressed by the seriousness of the present situation, by the general recession of employment and trade, by the constant recurrence of such periods of economic depression and the failure up to the present to discover any concerted means for averting the losses incurred, resolves that the Economic and Financial Organisation of the League, which has already been studying the causes of fluctuations in the purchasing power of gold and their effect upon the economic life of the nations, should undertake the study of the course and phases of the present depression and the circumstances which led up to it, and for this purpose it should collect the information compiled by institutions already in existence in different countries, centralise such information and, where necessary, fill up any gaps that exist.

For this purpose the Economic Organisation, advised by, in particular, the Economic Consultative Committee, should put itself in touch with national organisations, whether consultative or planning councils or research institutions concerned with this matter, and should further, with their aid, consider by what means the work now being conducted on the problem of the recurrence of periods of economic depression may be co-ordinated.

Believing that the restoration of prosperity in the countries which are mainly concerned with agriculture and the production of raw materials is not only a worthy object in itself, but that it will also contribute to the restoration of prosperity in other countries, the Assembly desires that, in the course of the comprehensive inquiry into world economic depression referred to in the present recommendation special attention should be devoted to the programme and investigations recommended by the agri-

cultural experts who met in Geneva in January 1930, and to the result of the work carried out by international organisations specially qualified in such matters.

It also recommends that, in connection with these investigations, account should be taken of the results of the inquiry conducted by the International Labour Office into unemployment and the work of other competent international bodies on this subject, in order that the Economic and Financial Organisation, having collected all the available information, may examine at the right moment the advisability of international action, due regard being had to the economic, financial and demographic aspects of the labour problem, including the question of raw materials.'\*'

The efforts of the Indian Delegation for the inquiry by the League into the Depression were amply justified by the high merits of the "Report on the Courses and Phases of the World Economic Depression" prepared by Prof. Ohlin at the suggestion of the Financial Organisation of the League. No such comprehensive study of any earlier crisis had ever been given to the world. It is in fact a complete study of the various maladjustments which have caused the present depression. As is necessary for such a comprehensive work, the canvass used is very large and the reader is introduced not only to the business cycle tendencies in the last decade but he is furnished also with a review of the post-war economic development up to the present Depression. The inter-relation of the numerous causal factors is admirably envisaged. Prof. Ohlin traces for us the fundamental causes which made for the general instability of the economic situation, for abnormal variations in the volume of investment, and in international movements of capital, as well as in the volume of international exchanges. Hence arose the upsetting of the equilibrium in the capital market. The monetary factor on the other hand is made responsible in so far as "a greater flexibility in the monetary system could have kept the disequilibrium in the capital market within narrow proportions and thus mitigated the decline of the price level." There is a valuable chapter added

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\*Indian Delegation Report, 1930, p. 14.

which gives us a comparison of leading features of the present Depression with those of former depressions. This study of similarities and dissimilarities will help to fix the precise character of the present depression in the history of cyclical fluctuations; for there is at present a great deal of controversy on this topic.

It was remarked by an Indian delegate in the Second Committee (1931) that "as a descriptive and analytical study of the course and phases of the present depression the Report on World Economic Depression leaves little to be desired. On the statistical side also it forms a considerable contribution to the literature of the subject. A comprehensive view of the subject is taken in time, with the result that the true perspective has been attained, while the comparison of the present crisis with past depressions is very illuminating. The author has done his best to assist even the less equipped inquirers by convenient little summaries of the argument which are interspersed over the report."\* The Indian Delegation also expressed the view that "a continuation of that study is to be highly desired: and I understand that the annual reports on economic conditions, when worked out by Professor Condliffe with his usual ability, will form in an important sense such a continuation. It is therefore to be wished that the lines of statistics laid down by Professor Ohlin will be continued and that special attention will be paid to bringing out and presenting the trend of the depression. In fact, it would be well to regard these future reports at least for a quinquennium to come as a continuation of the present important report. Indeed, but for the financial stringency a resolution would have been brought forward for a continuation of Professor Ohlin's labours. For it is certainly the function of a comprehensive analysis to serve as the basis of remedial action. But even on the analytic side how often do we find opposite conclusions drawn from the same figures relating to world depression?"†

Our delegation added a word as regards the importance of a study of the various means of preventing the recurrence of periods of economic depression. "It is gratifying to find that a beginning

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\*Indian Delegation Report, 1931, p. 21.

†Indian Delegation Report, 1931, p. 21.

is to be made of these valuable studies by convening meetings of representatives of national economic councils and research institutes which are carrying on work on trade cycles. But while begun so humbly and unostentatiously it is bound to be a work growing constantly in importance and interest. For with the growth of technical capacities on one hand and of fluctuations of public taste and demand on the other, we are entering on a new period far more dynamic than its predecessors. There will be constant need to prevent depressions by bringing about adjustment of supply to demand continuously. That need can be met by working out a set of adjustments through co-operative policies—continuous and growing co-operation between central banks and adjustment of manufacture to consumption through rationalisation. Last, but not least, is the bringing about of contact between co-operative organisations and federations of agricultural producers and consumers.’’\*

### **Conferences at London and Rome, (1930).**

Valuable as the Report of Prof. Ohlin was, however, it was by no means the only important piece of work done on the World Depression under the auspices of the League. The Economic Organisation of the League has also done much valuable work upon the agricultural aspect of the Depression. Thus it convened a Committee of Agricultural Experts in consultation with the representatives of the International Institute of Agriculture in Rome in order to study and to report on the Agricultural crisis. The discussions turned mainly upon the question of cereals which is the crux of that crisis and were attended by representatives not only of European countries but also by those of many Overseas Countries and of America. Reports of the Secretariat upon the agricultural depression were submitted to these experts who were requested to advise particularly upon the possible improvement of the situation by concerted action as between the countries concerned as well as upon the possibility of reducing the margin between the prices paid by consumers and those obtained by the producers of agricultural produce. A good many of the experts believed that much good might be done by an understanding between the producing coun-

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\*Indian Delegation Report, 1931, p. 21.

tries; other experts maintained that there should be no governmental intervention in the matter; but they were not opposed to such agreements, if freely accepted. These suggestions were studied by the Wheat Conference at Rome in March—April 1930 and it was resolved to hold a meeting in London in May 1930 to prepare a common plan for the export of the wheat crop of 1931-32 and of existing stocks. However, the London Conference failed to produce any scheme for the control of exportable surpluses of wheat. The Conferences could only invite the Economic Organisation of the League and the International Institute of Agriculture at Rome to keep in touch with the endeavours to be made by various countries to deal effectively with the problem of the production and sale of wheat. The Rome Conference, nevertheless, did some good, if only by clarifying the thought on the subject. For one thing it disposed of the idea that “it is possible to restrict and parcel out by any form of compulsion the areas sown, with the object of obtaining a general reduction of such areas.” In the second place the idea of the development of international agricultural credit was notably pushed forward. Finally, it was emphasised that those countries which were prepared to make trade agreements on a preferential basis must have recourse to ordinary diplomatic channels.\*

#### **Work of the Commission for European Union.**

The Commission for European Union has also studied various problems relating to the Agricultural Depression. It has devoted attention to the problem of the disposal of the present and future agricultural surpluses in Europe. As regards the disposal of the 1930 cereal stocks the countries were advised to meet at an early date and to make a common effort to find means of disposing of the grain surplus at present available. More promising was the result of the study of disposal of future stocks. It was recognised that this was a world problem, and that it was to the interest of the producers in every continent to act together. Conditions of sale were to be improved especially by acting upon the conditions and costs of transport which limit the area in which these cereals are disposed of. †

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\*Cf. Report of Economic Committee, (C. 180, M. 68, 1931. II-b); A. 6. 1931, pp. 91—92; Commission of Enquiry on European Union, pp. 198—200.

†Proceedings of the Commission, pp. 107—108.



India is more interested in the scheme of the Commission for agricultural credits which was designed to remedy the shortage of capital for agriculture. A definite scheme was worked out by the Committee of Enquiry for European Union for alleviating the burdens which weigh on agricultural production in various countries and for diminishing working expenses. The contracting governments were to agree to the establishment of an International Agricultural Mortgage Company for the creation of whose special reserves advances were to be made by these Governments. From that Company loans could be obtained by national companies. The Company could create and negotiate bonds and make long-term and even medium-term loans.<sup>1</sup> India is interested in the matter because for the first five years the benefit of the scheme is confined to European countries, and because provision for the entry of non-European countries even after that period to the benefits of the scheme is subject to such conditions as the Council may impose. One of the Indian Delegates in 1931 criticised the scheme from this and other points of view as well: "In the first place the project is for Europe, and we overseas countries are asked to approve of it. I note further that nothing has been said here about any co-operative organisation on which the measure ought to have been based. This is certainly a great lacuna. I hope in the light of the present discussion the project might be made in some measure or in time more comprehensive and in any case be placed on its sound and proper basis. Perhaps we might with some confidence look forward to the early enlargement and strengthening of the project. For even when and if the League begins any line of work with a particular objective it must as soon as possible aim at its true goal the universal."\* There was need to reconsider the scheme from other points of view as well: "We have before us a great scheme of international *agricultural mortgage credit* and we wish it all success. Nevertheless, many voices are heard expressing the fear that if nothing further is done than to extend more credit to the individual farmer the necessary result will be over-production. Here too it is needful that agricultural co-operation should control the flow and

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<sup>1</sup>*Ib.* pp. 152—190.

\*Indian Delegation Report, 1931, p. 21.



the use of the additional credit. It is scarcely necessary to add that the same statement holds of the scheme for the extension of the short-term credit. It is only an organisation of agriculturists which can most authoritatively and sympathetically teach the individual agriculturist how to utilise additional credit and can also distribute it as it should be.'''\*

### Report on Agricultural Crisis.

Among the work done by the League on the Agricultural Depression an important place is occupied by the Report on the Agricultural Crisis. It is indeed a monumental work which will be always referred to not only for the views expressed and remedies indicated by the authors of the Report, but also for the accounts given by experts in various countries of the position of agriculture in each of them. The causes of the Agricultural crisis are analysed most judiciously and the study of the general characteristics of the crisis is of an illuminating character. The examination of the International factors of the Agricultural Crisis is also worthy of praise. The main line of criticism would be that in the list of recommendations not enough importance is attached to co-operation. Thus by the session of the League's Assembly in 1931 the world had before it a great number of suggestions and a large volume of reports all dealing with the World Depression. It was the privilege of the present writer to review these suggestions and reports as a member of the Indian Delegation in the Second Committee: "A study of the various reports to hand on the subject of the present agricultural depression—and in particular that of the Report on Agricultural Crisis—leaves us with the impression that with all their merits there is an important gap in their scheme of remedial suggestions. There is, one feels, the want of a co-ordinating principle and of a suitable foundation for remedies proposed. This is because they do much less than justice to the value of co-operation—both producers' and consumers'—in the rationalisation of agriculture. This neglect of the potentialities of co-operation has led to an undue importance being attached to the alternative policy of agreements between countries and bilateral treaties with or without preferential features.'''† The

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\*Indian Delegation Report, 1931, p. 20.

†Indian Delegation Report, 1931, pp. 18—19.

bilateral agreements and preferential schemes referred to in the Report could obviously not form perfect remedies of the Agricultural depression. "At the best, such bilateral agreements can only be in the nature of temporary palliatives. Let us test that policy by enumerating the various present needs of agriculture. It is not conceivable how such agreements can help to lower agricultural costs of production, or reduce the great burden of agricultural indebtedness or diminish the disparity between agricultural and manufacturing prices. Such a policy can have very little regulative virtue also as regards agricultural production. We know how little good has been effected by national efforts even at mere restriction of production. The reason is that the potentialities of the State are limited—both as a regulator of production and as maker of good bargains. Even the adoption of such palliatives must imply the adoption of some great and permanent supplementing policy. In any case the policy of treaties is bounded by the problem of *markets* and does not go on to consider the more fundamental problems of *production and distribution*."\* It was emphasised that the most important remedy lay in the development and integration of co-operation on an international scale. "The valuable report on Agricultural Crisis goes on to say that the troubles of agriculture have been accentuated by the fact that it is *the least organised industry in the world*. That being admittedly so, the energetic prosecution and spread of co-operation is the more necessary; since nothing can endow agriculture with as fully integrated and flexible organisation as the development of co-operation. But for this, it is not enough merely to form a large number of societies; they should be suitably federated into national organisations, and each nation should try to build up parallel structures of agricultural and consumers' co-operation. Then alone can we expect that the potentialities both of national and international co-operation of agricultural producers and consumers will be properly developed.

"That report does indeed devote a few pages to co-operation, but then it goes on to express fears that the 'work of co-operation *will take time*.' Let it be pointed out in reply that apart from one

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\*Indian Delegation Report, 1931, p. 19.

or two temporary palliatives—every real remedy of the Depression is bound to take time and plenty of it. Take, for example, the proposed rationalisation of industry by means of international combines. For years they have been discussed, and so far it has not been possible to take any steps to encourage or to utilise them. It will take a fairly long time to frame national and international policies for the control or encouragement of these syndicates. At present all the suggestions in the matter have been only negative in character. The reason of this is clear. For here we are bordering on the grave problem of monopoly—and monopoly is the very antithesis of co-operation. But even admitting that the growth of co-operation be a relatively slow matter, is there any assurance that the depression is going to terminate at a very early date? As that depression is developing before our eyes and getting more intense with the passing of every quarter, no report that we have before us even attempts to trace its course, its evolution or its final trend. On the other hand, many experts are of opinion that the agricultural depression is very likely to be with us for a fairly long time. And it might be followed by the growth of dumping from some other great country. With such a prospect, is it not necessary to reinforce the resources and the *morale* of our agriculturists by the spread of co-operation—which is, apart from its economic advantages, a unique social tonic? The present crisis is a socio-economic one in character and requires a remedy that can act on both the social and economic sides.’’

If the disparity of agricultural prices in relation to the prices of manufactured goods is due to the compact organisation of manufacturers to maintain the prices of their commodities and their labour, is it not absolutely necessary to rationalise agriculture *pari passu* with the rationalisation of industry? Can bilateral agreements which must extend both over the industrial and the agricultural field afford any solution of this disparity? Finally, is not the promotion of co-operation the one method of rationalising agriculture?

The *adjustment of agricultural production* to the consuming capacity of the world is the cardinal problem of this agricultural crisis. We cannot trust that the task of the necessary restriction of

production will be adequately done through international agreements or through propaganda from above introduced by the State. Only national agricultural groups federated from top to bottom can remedy the over-production fully without bringing in the opposite danger of undue-restriction of production. We must give their natural leaders to the agriculturist who will trust and follow them instinctively.

*Again, as demand is becoming dynamical* we shall require not a temporary agency for the continuous adjustment of production to demand, but a permanent organisation of the character proposed.

We have before us a great scheme of international agricultural mortgage credit and we wish it all success. Nevertheless, many voices are heard expressing the fear that if nothing further is done than to extend more credit to the individual farmer the necessary result will be over-production. Here too it is needful that agricultural co-operation should control the flow and the use of the additional credit. It is scarcely necessary to add that the same statement holds of the scheme for the extension of the short-term credit. It is only an organisation of agriculturists which can most authoritatively and sympathetically teach the individual agriculturist how to utilise additional credit and can also distribute it as it should be.

While we admire and highly appreciate the work of the World Economic Conference of 1927, it must be admitted that it would have been better policy for it to have concentrated rather on the advancement of co-operation than upon a direct attack upon the tariffs. That direct attack has unfortunately not been crowned with much success, while had the Conference directed its energies on the side of co-operation we should by now have not only greatly improved the lot of the agriculturist, but have really succeeded in lowering tariffs. For it is submitted that the best way to lower tariffs is not so much by any direct action, but rather by organising consumers in each country on co-operative lines. Once the consumers are organised in each country they will bring their pressure to bear on their Governments to lower the tariffs. As it is there is

no organisation on the consumers' side to meet the manoeuvres of the producers for maintaining high tariffs.

The League is now approaching the period when it is necessary for it to construct a concrete policy of economic action. During the past five years, and especially in the work of the World Economic Conference, it has been studying general economic ideals and potentialities of work. But the course and intensity of the depression has compelled it to come to grips further with realities. However, in laying down practical policy either on the agricultural or manufacturing side it will have to be true to the principles of co-operation and democracy on which its own existence is based. Those principles are the bases of the extension of the policy of agricultural and consumers' co-operation here indicated. And even as to the policy of rationalisation and proposed international cartellisation of industry experience might show that in a great many industries we need not have full fusion and cartellisation, but 'a looser form of co-operation and voluntary adjustment of output in accordance with the state of the market'. The considerations advanced above make it our duty to make up for past delays and to make a serious effort to encourage advance and organise co-operation widely and in all its stages.

The Indian delegate suggested "that the Economic Committee should be invited to make a fresh study of the remedial potentialities of co-operation and of the methods of advancing it in the light of the discussion which the subject will receive in this Committee. It might perhaps go even a step further and invite reports from those Member States which are willing to furnish them regarding the development of agricultural and consumers' co-operation among them; and having received such reports it might point out any lacunae and gaps in such systems and indicate the potentialities of further development in each case.'"

### **The Financial Committee.**

Of the Economic work of the League a great deal has been performed through the instrumentality of the Financial Committee.

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\*Indian Delegation Report, 1931, p. 20.

The work of this Committee figures indeed amongst most successful and fruitful portions of the activity of the League. There have been two phases of its activities each being equally marked with success. The first phase of its work dealt with problems and sequelæ of the war. During that phase the Committee dealt with the financial relief and reconstruction of Austria and Hungary. It was a triumph of economic co-operation to save these two countries from complete economic collapse, and the remedial action of the Committee was prompt and unexpectedly successful. The stabilisation of currency, the balancing of budget and the stopping of the flight of capital were identical features of the programmes for both countries. The financial reconstruction of countries might indeed be said to have been reduced to a fine art by this committee.

Another achievement of the earlier phase of the work of the Committee consisted of the settlement of the Greek and Bulgarian refugees. As Sir Eric Drummond has well observed "it was an unparalleled response to an unparalleled emergency—nothing less than the greatest migration of human beings that had ever taken place in so short a space of time."

But great as were the achievements of the first phase of the Committee's activity they will be overshadowed by the triumphs of the second phase. As Mr. Greaves has put it, the tasks of reconstruction being over the Committee was at leisure to undertake work closely resembling that of the Economic Committee, and he tells us of the characteristic features of the activity of the latter committee. "It deals rather with the inconsistencies of national legislation or with the suppression of crime, those smaller questions on which the government are most ready to agree. . . . . Further, there is the labour of study and investigation which is playing an increasing part in the Committee's activity."<sup>1</sup>

### **Double Taxation and Fiscal Evasion.**

Of the intensive and prolonged studies of the Financial Committee the investigations on double taxation furnish an excellent example. The fear of double taxation was

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<sup>1</sup>Greaves, *op. cit.*, p. 79.



hindering the international circulation of capital and the removal of that hindrance was over-due. In order to carry out this task preparatory enquiries were instituted and were followed by a meeting of Government experts representing 27 countries which was held at Geneva in 1928. This meeting adopted various model Conventions designed to make arrangements between states for the relief of Double taxation more uniform and simple and more general. The texts adopted are not for multilateral signature but are meant as models for bilateral arrangements between states. If Governments can be induced to adopt these arrangements the international circulation of capital would be greatly facilitated. Recent successes of this work of the Financial Committee might be noted in the conclusion of general agreements such as those between France and Italy (1930), Finland and Sweden (1931)<sup>1</sup> and Belgium and France (1931).

At its third session in 1931 the Fiscal Committee carried on a study of a draft Plurilateral Convention for the Avoidance of Double Taxation, which had been prepared by a special Sub-Committee on the lines laid down by the Fiscal Committee during its second session. The discussions showed that it would be impossible for certain members of the Committee to accept a scheme as liberal as that framed by the Sub-Committee. They considered that it would be preferable provisionally to limit the effects of a plurilateral convention for the avoidance of double taxation to non-residents, each country reserving full right to tax persons residing within its territory. An alternative text has been drafted by the members of the Committee who hold this view. Neither of the drafts secured the unanimous approval of the Committee. The Committee felt that the question of the conclusion of a plurilateral convention, to which the League of Nations has devoted its attention for several years, was not ripe for a final solution.\*

From the point of view of India as an individual country the advantages derivable from this beneficial work of the Financial Committee must be considered to be smaller than that which many other

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<sup>1</sup>A. 6 (a) 1931, p. 29.

\*League of Nations, No. A. 6 (a) 1931, p. 29.



countries can expect. This is due to the special conditions prevalent in this country. In the first place, in our case the problem of Double taxation arises mainly in the case of the same profits to be taxed in India as well as the United Kingdom. How far the special arrangements which prevail in these cases can be extended generally to other countries indiscriminately and with advantage to India is a matter for further deliberation. Then, again, in the second place, as regards "personal" income tax it is doubtful how far it would be to our advantage to accept the definition of "domicile" proposed by the technical experts, for under the *special conditions of India* an important proportion of the income assessed in India must be paid by those who are temporarily resident here. Nor is India much interested in the problem of evasion as studied by the experts of the Committee, since income tax is levied in India on income, profits or gain derived, accruing or arising or received in British India. The precautions taken in India in the matter of defeating evasion are a matter of purely domestic policy. It remains only to emphasise the liberal policy of India in subjecting to its income tax only such personal incomes as accrue, arise or are received in British India.

### **Suppression of Counterfeit Currency.**

This is an aspect of the work of the Financial Committee in which India is interested and so a delegate for India (Mr. V. Dawson, C.I.E.) attended the International Conference on the subject which was held at Geneva in 1929. Proper modifications of the resulting Convention were secured at the conference. The question of the ratification of the Convention by India awaits, however, the passage of a bill that has been introduced in the Legislative Assembly and has been referred to a Select Committee. The next task of the Committee on this side is to study the possibility of preparing a Convention on international Co-operation between police forces and the establishment of an official police information bureau forming a link between the various police forces, with the general object of ensuring more effective prevention and punishment of crime. This line of work has been undertaken in view of the increasingly international character of crime in its various aspects and a conference to study the prospects of such co-operation was

convened in March 1931. It marks an important step forward in the field of international police co-operation.

### **Gold Delegation of the Financial Committee.**

It need hardly be said that the question of the adequacy, distribution and value of gold is of the highest importance to India as also the rest of the world. As the illuminating report upon the work and functions of the Financial Committee states its work on the gold problem ranks with that on double taxation and counterfeiting of currency as the most notable examples of financial questions tackled by it. The subject of the Enquiry into Gold supplies was referred to a special delegation of the Committee. The Gold Delegation has published two interim reports dealing with the current and prospective production of gold in relation to the demand for gold and its distribution. The Delegation contained such eminent men as Professors Gustav Cassel and O. M. W. Sprague, M. J. Bonn, Sir H. Strakosch and Dr. L. J. A. Trip. The importance of avoiding the dissipation of gold is one of the reasons which led the Royal Commission on Indian Currency to pronounce against the introduction of gold circulation in India. Another reason which gives India an important part in this business is that India consumes a large quantity of gold for social purposes each year, and this is a branch of the hoarding problem.

The remedial programme laid down by the Gold Delegation is a wise and helpful one even though it has been laid down on somewhat conservative lines. The expected inadequacy of available gold is to be met—as the first interim report suggests—by a number of measures, and there will be general agreement as to their expediency. There is for instance the reduction of the reserve ratios of Central Banks. Since the ratios and minima fixed are largely conventional, international co-operation and understanding can easily surmount the difficulties in the way of their reduction. Some economy of gold might also be effected by the extension of use of cheques and by the replacement of small bank notes by subsidiary coin. There is also the useful proposal about the concentration in Central Banks of foreign assets belonging to countries on the gold exchange standard; and no one can doubt the value of the supplementary proposal about the

making of an international agreement providing that gold reserves held abroad should not be subject to seizure or confiscation. In other words the Gold Exchange Standard which makes for a great economy of gold is to be strengthened and extended. At the same time any misconceptions that have arisen as to the working of the Gold Exchange Standard are to be removed. This has been brought out in the excellent memoranda submitted by Dr. Trip and Dr. Mlynarski. It is an obvious error therefore to consider these memoranda in any sense as adverse criticisms or attacks on the Gold Exchange Standard, as has been done in some quarters in India. The Report has also pointed out suitable changes in banking policy which would improve the working of the gold standard.

The Delegation does not of course deal with matters like the essentials of the gold standard, or the exact measure of its helpfulness or with questions of stability of price levels and of exchanges. But these matters have been thoroughly examined in "the Selected Documents" attached to the Report which are in an important sense to be regarded appendices of the same. There we find in the papers written by such authorities as Sir H. Strakosch, Dr. Sprague, Dr. Trip and Prof. Rueff an examination not merely of the nature of the gold standard but of the abnormal factors at present militating against the smooth work of that standard. Dr. Sprague has referred in his memorandum to the hopes entertained by the public as to the gold standard being an essential factor in the maintenance of international financial stability. He adds then an encouraging dictum: "That these hopes can be realised I am firmly convinced, but, under present and prospective conditions, they can be realised only through a greater measure of co-operation and conscious effort than was required under the conditions that obtained in the pre-war period." The Delegation's recommendations as to the development of the bill market and the adoption or perfection of open market operations are also supplemented by portions of the same Selected Documents. Thus Dr. Rueff gives a valuable study of the methods that have been proposed for regulating the variations in the price level by variations in the volume of credit granted. \*

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\*Selected Documents submitted to the Gold Delegation, pp. 53 and 51.

### **Financial Committee and India.**

We have seen that the Financial Committee has done and is doing a great deal of solid, valuable and constructive work, and that in several of these aspects of work India is directly interested.

We have noticed how we in this country are interested in some measure in the work on Double taxation, and more substantially in its activities regarding the suppression of the counterfeiting of currency. Our interest is given greater in the study made by the Delegation of the Committee on the purchasing power of gold. Any possible solutions of the problems of the general price level and of the distribution of gold cannot but have a profound reaction for good upon the economic conditions in our country. We are less interested at least for the time being in the enquiry into the co-operative system of Bulgaria, or in the great experiment in Agricultural Credits in Europe to be carried out by the Agricultural Credits Delegation of the Financial Committee. Nevertheless India will be indirectly benefited even at the moment by the valuable experience acquired from such a great effort in the field of enlargement of the mortgage credit; and later still we might have the advantage of the extension of the scheme to the East.

### **Future Activities of the Financial Committee.**

In the report presented by the Second Committee on Financial work in 1930, the lines of some of the future activities of the Financial Committee might be found traced out. Prominent among these functions is that of offering advice to Government on financial matters. The Committee divides its work into three main categories:

- (1) general financial questions
- (2) advice and assistance to particular states
- (3) advice on financial questions arising out of current political or administrative work of the Council.

Work falling under the first category we have already noticed. As to the second, the Financial Committee justly observes that it is desirable that Governments should realise the facilities which the

League offers for the wholly disinterested advice on financial questions of a body of persons of the standing and authority that the members of that Committee possess. The range of questions—whether they be related to questions of budgetary or taxation systems, currency or banking, the organisation of credit for agriculture or other credit, or the general financial conditions of a country—on which governments may desire to avail themselves of such advice is obviously a wide one. Nor is the work contemplated under the third category less important dealing as it does with financial questions which arise out of the work of the League in other fields. A very prominent example would be budgetary problems in connection with the future disarmament by countries.

Here we must conclude our survey of the economic work of the League for the present. There can be no question that we shall see during the next decade an immense extension of this work. If during the first decade of the League's existence the political side of its work has held the pride of place that dominance is sure be taken up by its economic activity during the coming decade. A vast number of forces are working to produce this result—prominent amongst them being the economic solidarity of the world and urgency of solving the complex of problems relating to the Economic depression. Only "the parliament of man" can take these matters in hand effectually; we can at the present day almost hear Politics whispering this about of Economics. "He must increase, but I must decrease."

For it is obvious that the work of the Economic and Financial organisation of the League—which was valuable enough during the first decade—is to expand and grow from more to more during the present decade. In order to appraise this increased value let us proceed by a variety of the method of elimination. Had there been no Financial and Economic Organization of the League where was the international body who would have taken up a study of the Gold problem? Does not this study of the Gold problem by that organiza-

tion compare most favourably as regards results with the older method followed in the Monetary Conferences of the Nineteenth Century? Has not the League's existence quickened the collaboration of Central Banks? Take again the advisory and planning function of the Finance Committee. Where was another organization to offer advice of anything like such an authoritative as well as disinterested character whether in the field of finance or as regards, say, the extension of agricultural credit and co-operation? What international organization except the League would have summoned such an authoritative gathering of experts as the World Economic Conference of 1927? From what other source could have arisen such a consensus of opinion and such general zeal for the diminution of impediments to trade or for a general transformation of commercial policy? No one can doubt the great value of the work of that Conference in marshalling and guiding the world's opinion on questions of commercial policy and of protectionism—whether of the open character or of the type which is concealed behind administrative devices. Lastly, it is impossible to exaggerate the importance of the work which the League is devoting to the study of the question of the trade cycle—a work which is based upon the general co-operation of a large number of research institutes which are studying the same problem from different points of view.

### **The Indian Delegation and the League's Finances.**

Having devoted so much space to the economic work of the League we might spare a few paragraphs for describing the zealous and vigilant championship of the League's finances by the Indian Delegation. In fact the Indian Delegation has been the recognised watch-dog not only of the League's finances but of the propriety of its financial procedure. The Supervisory Commission itself is a creation of the co-operation of the Indian and British Delegations, and it receives habitually the utmost support from the Indian Delegation. In this respect the Indian Delegation can give a very good account of its stewardship. To take an example, the Assembly of the year 1926 approved of a Resolution of the Fourth Committee which was moved by Sir C. P. Ramaswami Ayyar to the effect that it was desirable, without putting obstacles in the work of the develop-



ment of the League to keep in view a maximum limit of expenditure, with the object of ensuring that the contributions of individual states should not normally in future exceed their contributions for that year. The very next year (1927) Sir Ramaswami not only reminded the Assembly of this laid down some more useful principles of finance. Thus he contended that new commitments entered into should be considered with reference to what would happen not merely during the year under review but in future years—a very sound principle indeed. He also urged with justice that special investigations made in the interests of one or more members of the League should be paid for by those members; and he pointed to the necessity for regulating the publications of the League as far as possible on a sound commercial basis. Although these are commonplaces of Finance, yet it is very important to reiterate them at the right moment.

The next year (1928), Lord Lytton, speaking in the Assembly on behalf of India, made a powerful protest against the growth of expenditure. He told the Assembly “quite frankly that India cannot agree to a normal increase at this rate in the expenditure of the League.” His protest was due to the fact that the main cause of the increase of expenditure was “to be found in the inadequacy and the defective nature of our procedure for controlling and limiting expenditure. If the machinery of the League of Nations in this matter of budget control is compared with that of any efficient, well-organised national Government, its defects will become apparent at once. In any such Government there is always to be found a Ministry of Finance, whose influence is continuously exercised in favour of economy, which scrutinises with the utmost vigilance the estimates of all the spending departments of the Government, and whose ability to find the money necessarily governs any decision to spend it. Lastly, in the background there is, of course, the more remote control of the general tax-payers of the country, to which such Governments are, in the last resort, responsible. In the League the procedure is quite different; in the League we have no executive government with whom rests the sole responsibility for initiating expenditure. We have, as it were, nothing but spending departments. The Secretariat of the League is a spending department;



the International Labour Organisation is a spending department, and the various Committees of the League itself are all spending departments. All these bodies are naturally more interested in spending than in saving money, more interested in expanding than in limiting the activities of the League, and the only check which we have upon this tendency to spend is to be found in the Supervisory Commission and the Finance Committee of the League. The Supervisory Commission, it is true, carries out some of the functions of a Finance Ministry, but not all, and the financial control exercised by the Finance Committee of the League is not really that of a body which is responsible for finding the money for any expenditure which it may sanction. In the League the money is found by other means; it is found automatically, it is found by a proportional increase in the contributions of the States Members. I have not referred to these defects in our procedure for the purpose of suggesting any remedy. Indeed, I recognise that they may be inherent in the constitution of the League itself. I have referred to them solely for the purpose of indicating and emphasising what is the only check at our disposal. In the absence of all those safeguards which I have represented as being present in the government of States, we here in the League are dependent, for the purposes of economy, solely upon the exercise by our Members of self-restraint and a spirit of reasonableness. The exercise of those qualities by the various delegations which assemble here each year constitutes the only check which we have upon an expenditure which would otherwise be unlimited. Lord Lytton therefore "felt bound to make this protest on behalf of the Indian Delegation, which is profoundly dissatisfied with this year's budget."

The example of Lord Lytton was followed the next year by another Indian Delegate (Sir Chunilal Mehta) who dwelt upon the impropriety of an inadequate financial procedure and supported the proposal of the Norwegian delegate for a postponement of the consideration of the Supervisory Commission's Report. In fact that Commission had itself been compelled to remark that under the then prevailing circumstances it had been "unable to formulate or to sift estimates of expenditure with the care which in all ordinary circumstances it endeavours to devote to its work."

The present writer, as a Delegate in 1930, felt himself compelled to object to the credit proposed for the continuance of the work of the Conference for the Codification of International Law in view of the small practical results arrived at by that Conference. He also drew attention to the value of the proposals which Sir Atul Chatterjee had submitted to the Governing Body of the Organisation for the standardisation of the International Labour Organisation Budget.

In the same year (1930) important debates took place on the Re-organisation of the Secretariat, and the Indian point of view was put forward by Mr. Bajpai with his usual ability. The Indian Delegation attempted to postpone the consideration of such a comprehensive technical and complicated subject so as to give time for fuller study of the matter especially for an expert scrutiny of the Pensions scheme. M. Bajpai argued for a system of Provident Fund as a more appropriate and economic alternative to the Pensions scheme. Mr. Bajpai believed that the raising of the League's contribution to provident fund would satisfy the staff of the secretariat. He proceeded to ask a very pertinent question: "Have we convinced ourselves that, consistently with our duty to the staff of the Secretariat, which is undoubtedly a very important duty, we have discharged our duty to the League, the duty of economy? Are we convinced that the scheme of pensions which has been propounded here, or, in principle, a pensions scheme, would be more economical than a provident fund?"\* He then argued on behalf of the duty of economy which the Committee owed to the League itself: "We certainly have an obligation to the members of the staff, but we have also an obligation to the League itself. As far as I can see, from the administrative point of view there are certain objectionable features in a pensions scheme which enable a man after 10 years' service to leave the service of the League in order to find more lucrative employment elsewhere. In other words, we are, in effect, subsidising a scheme which enables an individual to make a convenience of the League, to get, shall we say, administrative experience here and thereafter seek a career elsewhere. It seems to me that when you have a mixed service system such as we have

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\*Indian Delegation Report, 1930, p. 105.

here, namely, indeterminate contracts and temporary contracts, it may, in the long run, from the administrative as well as the financial point of view, be better to work out a more generous scheme for a provident fund than a pensions scheme.' '\*

The advocacy of the claims of economy does not always increase one's popularity. Nevertheless it is a duty which the Indian Delegation has performed unflinchingly. But it is very necessary in all institutions that some one should carry on "the battle for thrifty husbandry." It is particularly necessary that in the case of the League, which is the best and the highest of human institutions, the very first movement towards needless expenditure should be checked. The world can never afford to forget the dictum of Gladstone on the subject: "It is a characteristic of the mischiefs that arise from financial prodigality that they creep onwards with a noiseless and stealthy step; that they commonly remain unseen and unfelt, until they have reached a magnitude absolutely overwhelming."

Nor is the voice of India always on the side of economy, for it does not hesitate to declare itself on the side of expenditure when expenditure is the better policy. Thus in the year 1930, after the Resolution for the study of the Economic Depression was moved, the Supervisory Commission proposed to cut down the estimate for it from 100,000 francs to 50,000 francs. The present writer, as an Indian delegate, spoke successfully against this proposed reduction. He stated that the Indian Delegation was, of course, in favour of all reasonable economy, and in particular, had always supported the authority of the Supervisory Commission; but the prosecution of the enquiry was important and urgent, and he wished to know whether the reduction of the estimate would have any serious effect on the time within which it could be completed. Other delegates spoke in the same sense, and when it transpired that the reduction of the estimate would delay the completion of the work and would merely involve a transference of the amount to be deducted to the estimates for 1932, the Fourth Committee decided, after a vote had been taken, to restore the original estimate.†

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\*Indian Delegation Report, 1930, p. 105.

†Indian Delegation Report, 1930, p. 24.

## CHAPTER IV.

### WORK OF THE HEALTH ORGANIZATION.

#### Scope and Success of the Work of the Health Organization.

Perhaps it is in the sphere of Health Organization that the achievements of the League have corresponded soonest and best with its ideals and aspirations. For here we have a region of work in which there cannot possibly be any opposition of national interests. Consequently, the success and achievement of this department most fitly illustrates the vast capacity of human co-operation when directed sincerely. Prof. O'Sullivan in submitting the Report on the Work of the Health Organization in 1928 very aptly emphasised this fundamental cause of the success of the League in this region: "I do not make any comparison between the work which is the object of our deliberations to-day and the other, what some might consider the more obviously legitimate, work of the League. But it is clear that here we have work in the accomplishment of which no national rivalries need be aroused—co-operation, not rivalry, is what is most natural—we have aims in the pursuit of which all can unite. Even from the point of view of international peace, is there not something to be gained by this? Working together for a common aim, without any of the *arrieres pensees* that may sometimes influence us in the political and economic spheres, may bring the nations closer together." To the same effect observes Mr. Greaves "Once the work has been divorced from the political field, and has thus been made to evade as far as possible the irrelevant issues of nationality and state sovereignty, it is more likely to arrive at practical result and less likely to waste its force in vague resolutions." \* Obviously again there is no room in regarding this great range of eminently humanitarian work for any of that cynicism with which some delight in envisaging the other portions of the league's work. Finally, the progress of medical and sanitary science goes on steadily compelling and initiating automatically an expansion of the scope of the work of the Health Organisation.

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\*Greaves, *op. cit.*, p. 108.

Hence arises a constant demand for the extension of the scope of the work of the League's Health Organisation. No doubt the advantages of "a rigid limitation of effort" have been always present to the Assembly and to the Committee alike. But in spite of that cautious though narrowing consideration the constant extension of the field of work is an undisguised fact. The Indian Delegation has always been, as we have seen, the faithful watch-dog of the League's finance and consequently acts as a moderating force on the expansion of many activities. But it has always been able to give its blessing to this broadening out of the work of the Health organisation. Thus Mr. S. N. Mallik expressed the Indian view in the Second Committee in 1928 that "as regards the method of work, the principle of practical idealism has been strictly followed. We understand that in spite of ever-increasing demands on its services, the Organisation has set a rigid limitation to its work and efforts, and that on account of this wise self-restraint, it has succeeded in keeping an eye more on the quality than on the quantity of the works undertaken. Both on account of the enthusiasm for doing good work and also for meeting the ever-increasing demands from the various States the tendency to expansiveness seems to be very natural, and therefore this wise method accepted by the Organisation seems to be a matter of special congratulation." Coming from a member of the Indian Delegation, this was a real and important compliment and testimonial. Nor was the pronouncement of Mr. Bajpai in the year 1929 less enthusiastic. After remarking that no one could fail to be struck by the technical as well as the territorial range of the activities of the Health Organization he proceeded to add that this was inevitable in a domain so vast as the domain of medical science, and especially the domain of preventive medicine. "Each country was seeking to create, to readjust or reform its sanitary services. If the health organisation was to play its role of helper and co-ordinator so as to prevent error, to provide the lessons of tested experience as the basis of readjustment or reform, and to avoid the duplication of effort, it could not be legitimately expected to work within any rigid financial limits. If its activities were to grow it seemed impossible that its budget should remain stationary." A statement of this character from a represen-

tative of India which had always been a vigilant champion of economy, would he hoped be well received. The East was receiving more and more attention from the Health Organization, and India did not grudge the assistance which that body had given to countries in Europe or in Latin America." A sign of this attention was that in 1926 when a new Health Committee was formed India received representation on it in the personal appointment by nomination of Col. (now Major-General) J. D. Graham (the Public Health Commissioner) as a member. Col. Graham was also the President of the Advisory Council of the Singapore Bureau. "These official connections imply a degree of intimacy with the Geneva and Singapore organizations which can only be of benefit to India." \*

The zeal of the Indian—and it might be added of Eastern delegations in general—for the work of the Health Organisation is based upon and justified by the great utility of that work to Asiatic countries. Thus we in the East have enjoyed and appreciated the beneficial results of the excellent work in the prevention and control done by the Epidemiological Intelligence Service of the League. The same might be said of the educational work of the Organization especially in the shape of the system of interchange tours of medical and sanitary officers. Again we in the East obtain our full share of the technical work of the Organisation in the fields of Preventive medicine, of which outstanding examples are furnished by the comparative study of scourges like Malaria, Tuberculosis, Small-pox, Cancer and Leprosy. We are also deeply interested in the subsidiary studies relating, say, to Infant Mortality, Child Welfare or Rural Hygiene. But it is to be noted that the East is not only in the position merely of receiving and appreciating the assistance of the League in these directions, but is also in the happy situation of being able to co-operate in all these lines of work and to make valuable contributions to progress in its turn.

### **Epidemiological Intelligence Service.**

We might advisedly start by indicating the nature and value of Epidemiological Intelligence. In order to assist public health

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\*Report of the Public Health Commissioner, 1926, Vol. I, p. 89.



services to fight epidemics it is obviously necessary to know the incidence and scope of these epidemics. Even a layman can understand that no danger can be met efficiently unless we know its direction and extent. The importance of the problem was brought home to the League when it had to grapple with the task of saving Western Europe, after the War, against the overwhelming danger of typhus and typhoid fever threatening from Eastern Europe and Russia. That work of saving Europe from such dire disease had to be carried on again, when the rush of Greek refugees threatened the widespread attack not only of typhus and typhoid but of dysentery, cholera and small-pox. Hence the formation of Permanent Health Organisation of the standing Health Committee and the Health Section of the League Secretariat. The need of organizing an Epidemiological Intelligence Service became obvious; and it was started at the Geneva Health section in order to give immediate and adequate information of the direction and extent of epidemics. The direct benefits of such Bureau consists in giving such information of immediate use but we must not neglect the indirect benefit which accrues in the sense of improvement of public health statistics and of the methods of utilising and drawing inferences from them.

### **The Singapore Bureau.**

The need of extending this line of work to Asia became obvious to Dr. Rajchmann, the first Director of the Health Section of the League Secretariat, after he had made a tour in the East. Singapore was the obvious station for the Eastern Intelligence Centre because it "is the gateway of the East. Into its harbour come ships from all parts of the world—India, China, Japan, America and Australia. Sometimes, amid their merchandise there lurk cargoes of death." \* In this picturesque language Mr. Leslie R. Aldous tells us of the importance of having the Epidemiological Bureau of the East at Singapore. The choice of that station had been approved by the Conference of the representatives of the Far Eastern Health Administrations in 1925. The work of the Bureau has developed apace, and it receives telegraphic information from 140 ports which again is broadcast by stations in French Indo-China and Dutch East Indies

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\*Ten Years' Life of the League of Nations, p. 166.

every Friday. In the Report of the Public Health Commissioner with the Government of India for the year 1926 he traces "the improved arrangements for picking up the Saigon broadcast made by various nations, and the arrangements made by the Netherlands East Indies Government for the introduction of a broadcast from Bandoeng in Java of a 'resume in clear' of the weekly Saigon message, so that it might be possible for ships at sea to pick up information regarding the state of ports within their immediate range. The scale of reporting the movements of infected ships was extended and appreciations of it were received from various countries." It remains to be added that the Singapore Bureau is extending its inquiry into epidemic diseases in the hinterland of ports and of countries as a whole. It acts further as a centre of co-ordination for the investigation of problems relating to plague and cholera, and, on the suggestion of the Advisory Council, is collecting detailed information in regard to the quarantine stations of the East.\* Indeed the work of the Bureau is being extended so that it "acts more and more as the Health Organisation's general agency for the Far East."†

To the importance of the work of the Singapore Bureau for this country repeated references have been made by members of the Indian Delegation. Thus in 1928, Mr. S. N. Mallik observed that "the Government of India greatly appreciates the work for its active practical value and does everything in its power to help and support that work. India takes an important part in the work by broadcasting a collection of information regarding prevalence of epidemics through wireless, which helps a large number of Eastern ports. India is gratified by the fact that the Public Health Commissioner has again been re-elected a Chairman of the Advisory Council of the Bureau in 1928."

### **Interchanges or Study Tours of Health Officials.**

Coming to the educational work of the Health Organization we first note the collective interchanges of public health officers as well as special interchanges of special experts which lead to a co-

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\*Report of the Second Committee, 1928.

†Report of the Second Committee, 1929.

operation of the health administrations of various countries. The extent to which this kind of co-operation has attained can be inferred from the remark of Sir Eric Drummond that "by 1930, six hundred officials belonging to States Members of the League, and also to certain non-member States—such as the United States of America, Mexico, the U. S. S. R.—had participated in these interchanges of health personnel." For work on such an extensive scale obligations have to be expressed to grants from the Rockefeller Foundation. The Indian Delegation has noted that "one of these interchanges took place in Japan in 1925 and India took part in it. Another took place in West Africa in 1926 and was equally successful. Last winter an interchange took place in India, and arrangements were made by the Government of India to enable Dr. Madsen, President of the League Health Committee, and representatives of at least 13 other States to make extensive travels in India for studying the problems that confront the Health Organisation, and I am very glad to say that the members of that party were greatly impressed with the way in which India was carrying on her work, in spite of tremendous difficulties on her way. Whether from the point of view of pooling valuable scientific information, or from that of benefiting through the experience of other countries that have gone ahead in their efforts, or from the general point of view of international co-operation and mutual help, India deeply appreciates the scheme and thanks those that have taken part in it."\*

In this sphere of work, too, the East has had its full share of benefits. As was noted in the Second Committee's Report for 1928, a number of Far Eastern public health officials and experts, notably from Japan, have been given facilities by the organization to study Western experience in the prevention of disease and the protection of public health. There was also in the same year an "interchange" or study tour, of health officers in India. The Public Health Commissioner of India made an appreciative reference to the Health interchanges which "are intended to provide a unique opportunity to medical health workers of studying the principal aspects of the medical and health work being done in

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\*Indian Delegation Report, 1928, p. 81.

other countries. Such an interchange of the health personnel of the chief countries in Asia and Australasia was held in India at League expense between 1st January and 18th February 1928 at the invitation of the Government of India." Twelve Eastern countries had been invited to participate while Dr. Biraud was the representative of the League. "Housing, water supply, drainage in all its aspects, food and cooking arrangements, variations in the health problems due to economic, climatic and racial conditions, rural hygiene, irrigation, industrial problems in tea, rubber, cotton, coal, oil and agricultural areas were all touched on and opportunity was taken to study the campaigns against such diseases as malaria, plague, cholera, small-pox, kala-azar, leprosy and ankylostomiasis."\* We see from this the value of such tours and the range of studies which can be carried on during them. It would be indeed difficult to exaggerate the utility of such interchanges, and the system of liaison with public health administrations thus inaugurated. Nevertheless, even in this region the position of Indian Government was very properly defined by Sir M. Habibullah when he inaugurated the interchange at Delhi in 1928. "While the responsibility for administering such services must rest with the Government of the country and could not be shared with any other authority, we would welcome, without qualification or reserve, assistance and advice from all quarters that were able and willing to help".

### **Co-operative Study of Diseases.**

In this sphere of work, too, it need hardly be pointed out that the range of studies is enormous and the value of the common studies co-ordinated by the Health Organisation is immense. The Health Committee has set up various Commissions for the study of diseases like Sleeping-sickness, Malaria, Tuberculosis, Cancer, Small-pox and Leprosy. As Major General Graham has noted the various commissions of the League represent its most important technical activities. "Those dealing with malaria, sleeping-sickness, vaccination against Tuberculosis, the standardisation of sera and biological products, the serodiagnosis of syphilis, the relation

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\*Public Health Commissioner's Report, 1928, Vol. I, pp. 154—155.

between public health service and health insurance organisation, cancer, small-pox and vaccination, opium, education in hygiene and preventive medicine, fumigation of ships and leprosy have all got their interest for us in the East; but those on Malaria, fumigation of ships and leprosy have a more direct bearing on our work than some of the others.” Some idea of the general lines of work is given in the valuable report of the Second Committee on Health Organisation for the year 1929. Taking the studies on Syphilis as an example the Rapporteur showed that “having compared national experiments on the diagnosis of Syphilis and the value of remedies, the Health Committee hopes to reach certain practical conclusions concerning methods of treatment which may be placed at the disposal of the health services of all countries.” First comes the study of the methods of diagnosis and then that of the medicines of known value, especially those methods which since the war have given the best results.

### **The Malaria Commission.**

The same comparative method has been applied by the Malaria Commission. As the Commission’s work has extended directly to India, the lines followed by its comprehensive studies are bound to be of more than ordinary interest to us. The first phase of its studies might be said to have terminated with the publication of its monumental report on the “Principles and Methods of Anti-malarial Measures in Europe” (in 1927). This phase itself comprised a study of Malaria in about a dozen countries—Jugoslavia, Bulgaria, Greece, Italy, Rumania, Russia, Serbia, Albania, Macedonia and the Ukraine, besides Corsica and Sicily. There were besides visits to Spain and the United States. And the “co-ordination of the doctrines of the different continents on the subject of Malaria took place in the General Conference at Geneva in 1928. There were notable by-products of the work of the Commission in shape of the opening of schools and courses of Malariology, and extensive experiments in order to attain the important object of cheapening the cost of secondary alkaloids of cinchona.”\*

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\*Drummond, *op. cit.*, pp. 246—247; Myers, *Handbook of the League*, p. 136.

By the year 1929 the Malaria Commission was ready to turn its attention to Asia. On behalf of the Government of India a very cordial invitation had been extended to that Commission, while Sir M. Habibullah had hailed it as "a practical demonstration of the League's interest in India which would win far more adherents to the League than a multitude of lectures and pamphlets". The Commission made a study tour of India in 1929. In the main it expressed its admiration of much of the Indian system of dealing with Malaria. Amongst other things it noted "the admirable research of malaria control"; as also the excellent work of Bentley and Covell regarding the urban malaria problem. It noted a gap between research and practice, however; "that Bentley's fundamental discovery has yielded so little practical results in Bombay is partly due to religious opposition and partly to the lack of co-operation between the four main governing bodies—the City Corporation, the Port Trust, the Railways and the Provincial Government". It also expressed its high appreciation of "the level of scientific thoroughness with which the Central Malaria Survey must be credited". As to basic research on Malaria "we recognised the true British-Indian medium of malaria research that we had admired of old in the classical work of Christophers, and his fellow-workers, of James Bentley and others—the medium which has acted as such a stimulant both to research and to practical application in other parts of the world." The Commission was ready to make allowances both for the physical and other difficulties in the way of malaria prevention in India. Apart from problems like water-logging, "here are no capitalised communities of pioneer modern spirits imbued with a progressive modern outlook—familiar with, and ready to utilize the most recent forms of machinery and scientific invention".

To these highly encomiastic notices of India's activities in the field of Malaria might be added what Sir George Buchanan said in the Health Committee in 1930. As he pointed out "the Commission had brought to notice the invaluable services at the disposal of the Indian Malaria Survey, and, if it was suggested that in future the Health Organisation should encourage the establishment of expert centres of information about malaria to which



health organizations could apply, the use of the Indian Malaria Survey should certainly be considered.' '\*

But besides expressing due appreciation of the work done in India the Report of the Malaria Commission is useful as regards suggestions. Thus we read that "the members of the Commission have seen admirable research on malaria control; but they cannot help feeling that malaria control in India should be very much more actively prosecuted as a general duty by the public health departments, and that the control of rural malaria should be taken up more seriously". Encouragement was given to the adoption of Bentley's scheme in Bengal, "which, apart from its direct consequences to anopheles, may be expected to raise economic conditions and stimulate popular action, leading to an extension of the co-operative societies and the establishment of an adequate rural medical service all over the country." A suggestion has been made which might lead up to the "gradual fusing" of the Public Health Department and the Medical Department in the rural areas, *i.e.*, "a transfer of all rural medical assistance to the Public Health Department, leaving only the large hospitals in the cities to the Medical Department. This would involve the further advantage of giving the Public Health Department a stronger hold on the population. A rural public health department in India should cure and should therefore discharge likewise the functions of a medical department. The distinction between these two departments, perhaps suitable for European conditions appears to us wrong in principle in India".† Similarly, a close co-operation is advocated between the provincial public health departments and the Malaria Survey of India; and as a corollary the removal of administrative difficulties in the way has been suggested. The example of Bombay is brought forward to show how much the want of co-operation between separate administrative authorities stands in some cases in

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\*Minutes of the Sixteenth Session of the Health Committee, (C. 627, M. 248, 1930, III), p. 46.

†In any attempt to carry out such a suggestion, however, great care should be taken lest the preventive or Public Health side be made in any way subsidiary to the curative or Medical side. It can be admitted however that in the matter of Malaria in particular the distribution of Quinine is a measure combining the prophylactic and curative aspects.

the way of progress. Finally, the great importance of educating the young receptive minds in the schools is pointed out, "for the future of public health lies in the hands of the younger generation." The value of the visit of the Malaria Commission to India has been considerable in establishing personal contacts and stimulating individual workers and local administrations throughout India to continue their anti-malaria measures and to improve their schemes.

### **Leprosy Commission.**

The Commission appointed to study the problems of Leprosy has also done most valuable work regarding the systems of diagnosis, prophylactic measures and early treatment. To the subject of segregation too, a great deal of attention has been paid. Segregation was of course still necessary but it has to be systematised. The Commission has recently been able to set out a system of leprosy prophylaxis in keeping with scientific developments and practical experience of three decades, while agreement has been secured upon a well recognised body of principles for the first time, though this in no way supersedes or ignores the special measures necessary in various countries owing to special conditions. The Conferences at Bangkok (1930) and Manila (1931) have provided the Leprosy Commission with a solid foundation for its future work, particularly in the direction of introducing uniformity and standardisation of treatment and remedies and facilitating the compilation of the epidemiological and statistical data needed in the campaign against leprosy.<sup>1</sup>

### **Cancer Commission.**

On the subject of the activities of the League's Cancer Commission we have the advantage of very recent report by a high authority like Sir George Buchanan. He has noted two chief landmarks in the history of the work of the Commission. The first was the report dated November 1927, which contained the exhaustive series of investigations made relating to the causes of the difference of Cancer mortality in certain countries. The various plausible hypotheses upon the subject had been exhaus-

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<sup>1</sup>A. 6, 1931, p. 117,

tively examined and tested. The second aspect of the Commission's work was the study on radiological treatment. The range of studies covered the assessment of the results of different forms of radiological treatment; the question of the concentration of radium treatment in a few centres, and the problem of establishing a standard method of case-recording. The work of the Sub-Committee on uterine cancer had proved so promising that it must be extended to other sites for Cancer—the skin, the tongue and the lip.\*

### **Inquiry into Infant Mortality.**

But the study of individual diseases, their diagnosis and their treatment does not in any way form the limit of the activities of the Health Organisation. The comparative method has been carried into other fields and, it may be added, carried out with exemplary thoroughness. We may single out an activity of particular importance to India—the inquiry into infant mortality. Experts drawn from a number of countries were requested first to carry on preliminary investigations, and then to undertake the intensified local study in 27 districts, inquiring into the medical and social causes of over 7,000 deaths among children under twelve months and of over 2,000 dead-berths, which had occurred within a period of 12 months. The scientific value of an inquiry conducted on such ample data can hardly be exaggerated. Well might Sir M. Habibullah the leader of the Indian Delegation in 1929 after stressing the importance of the subject observe that “India would welcome a decision on the part of the League to assist her in finding means of investigating the causes of and the remedies for the present high percentage of deaths among small children.”

The international enquiry on this matter took place in the seven of the most advanced countries of Europe under the auspices of the League, and placed very valuable series of data on the causes of infant mortality at the disposal of humanity. Having examined the relative importance of the causes of such mortality

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\*Minutes of the Sixteenth Session of the Health Committee, pp. 58—59.

the next stage was the study of methods of prevention. "With a view to eliminating respiratory diseases, the experts concentrated their attention on immunisation processes against the infectious diseases which are their primary causes; diphtheria, measles, scarlet fever, whooping-cough. The experience gained in different countries was carefully collected, compared and in a sense, codified."\* There need be no surprise that many countries ~~out of~~ Europe are anxious to have that inquiry extended to their own regions—prominent among them are the South American lands.

The Indian Delegation of 1928 pointed to the appalling extent of infant mortality in India. "About 300 children out of every 1,000 born died before they were one year old. In Calcutta the figure was 500 and in Bombay it was 600 to 700. In 1924 it had even reached the terribly appalling figure of 824 per 1,000 children born."† There is a complex of causes which accounts for figures of infant mortality like 556 per *mille* in Bombay and 386 per *mille* in Calcutta. We have to reckon with the custom of early marriage and with insanitary methods of midwifery. According to the Sanitary Commissioner of Bombay, "whilst some 50 per cent of the deaths are due to 'avoidable' causes such as ignorance and neglect on the part of mother and insanitary homes, the remainder are due to the epidemic of infectious disease which are not affected by the special measures usually adopted for the reduction of the infantile death rate." Here we have very important and promising lines of inquiry of which the importance was again emphasised by the Indian Delegation in the year 1929. Sir M. Habibullah, the leader of that Delegation observed that "should the League decide to extend to the East the studies in rural hygiene and into the causes of mortality among children which it has undertaken in some countries in Europe and South America, we shall be glad to give all the assistance in our power. Indeed, the subject of infant mortality is of great importance to us."

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\*Drummond, *op. cit.*, p. 254.

†Mr. S. N. Mallik, in Indian Delegation Report, 1928, p. 81; Census Report of India 1924, pp. 131—132.

### Rural Hygiene.

Another aspect of the work of the Health Organisation which is of particular importance to agricultural countries like India is the "interchange" of experience and views regarding the problems of rural hygiene. A comparative study on these lines must needs be of such interest to Indians that I make no apology for quoting an admirable description of the lines of the work prosecuted under the auspices of the League. "Typical rural areas in six countries in Central and Western Europe were visited by a group of 22 health officers and sanitary engineers from different countries. In each area a complete study was made of the system of public health organisation and administration, and in addition an opportunity was given to examine the work of all other organizations, whether governmental, semi-public or private, which exert any influence on public health. For example, questions of public instruction were studied in the public schools, the activities of co-operative organizations were reviewed, schools of agriculture were visited, problems of medical education and assistance were discussed, so that every participant in the interchange was afforded an opportunity of studying rural hygiene as a whole in the light of information concerning every agency exerting any favourable influence. A detailed comparative study was possible of rural housing, water and milk supplies, sewage and its disposal, etc. At the final Conference, held in Geneva, nearly all the participants declared their intention of applying in their own districts some of the practices or methods they had studied in other countries. A study tour such as this should serve to stimulate the development of rural hygiene by the interchange of ideas and suggestions, for which it furnishes a unique opportunity and the accumulation of a mass of common knowledge in regard to principles which should govern the application of public health measures in general." This high appreciation of the work done on rural hygiene by the head of the Irish Delegation for the year 1929 will certainly be echoed in India.

A European Conference was held on Rural Hygiene in 1931 under the auspices of the League. As that Conference dealt mainly with European conditions and was primarily meant for

European experts, India and the Eastern nations generally could not benefit by it directly. But as the study of rural hygiene is of the greatest importance to all Eastern countries, it is desirable to have a special Conference in the East, to deal with conditions peculiar to the Orient.

The Royal Commission on Agriculture in India has emphasised the interaction of agriculture and public health. It has stated that sanitary "conditions in rural areas are certainly bad. Sanitation, in any accepted sense of the word, is practically non-existent." It has not merely made general statements but pointed out particular lines in which improvements are urgently wanted. "Unprotected wells and tanks; unswept village streets; close pent windows excluding all ventilation: it is in such conditions that the average villager lives and yet succeeds in maintaining a remarkably high standard of personal cleanliness and tidiness. The tragedy is that such a state of affairs should exist when, with corporate action on the part of the villagers, the evils would be so easily remediable."\*

At the Twelfth Session of the Health Committee in 1928 Major-General Graham, the Public Health Commissioner for India, pointed out that in estimating national progress in the field of Rural Hygiene, we must consider sanitary environment, economic factors such as the poverty of the population, and educational factors such as the difficulty in overcoming the prejudices created by superstition or by certain religious customs. He drew attention to the role played in India by cinematograph and travelling dispensaries as educative measure in provincial propaganda.† It is reassuring to find that Indian authorities take so wide and comprehensive a view of the instrumentalities to be utilised for the progress of Rural Hygiene.

### **Collaboration of the Health Organisation with Governments.**

A new task is being undertaken by the Health Organisation—that of giving assistance to Government asking for advice on the

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\*Report, Royal Agricultural Commission, Para. 397.

†Report of Public Health Commissioner, 1928, Vol. I, p. 149.



methods to be employed to solve general or special administrative and medical problems in public health. Thus, to take an example, the proposals of the Government of China for collaboration with the League in public health matters as well as a scheme of reorganisation have been approved by the Council in 1930. Consequently, China has benefited through the reorganisation of the quarantine services of Chinese ports and the organisation of a central field health station at Nanking which is to become the nucleus of a national field health service. Again the task of reorganising of the health services has been undertaken in Bolivia. Studies into causes and prevention of infant mortality have been undertaken for Peru. Co-operation has been established with the Ministry of Public Health and Physical Education in Czechoslovakia with a view to the survey of the health conditions of certain districts. As a result of the application of the Government of Greece, the School of Hygiene was opened in Athens.

#### **Indian Suggestions for Further Enquiries.**

Indian delegates have not been backward in suggesting new lines of inquiry by the Health Organisation of the League into problems of India. We have already noted the suggestions made by our Delegations for the extension of the League's studies of Rural Hygiene, infant mortality and Malaria to India. Sir D. P. Sarvadhikary emphasised "the need for enquiry regarding the nutritive value of food and of the defects that are connected with the food that rice-eating countries have largely to depend upon. The rice question, connected with which is the question of *beri-beri*, is a very important one, not only from the point of view of India, but also of China, Japan and other rice-consuming countries as well as of the Colonies into which the Indian has found his way." He therefore suggested an early enquiry by the League into the matter as also into the question of the machinery of Cholera infection and into the problem of snake bite cures. Another Indian delegate, Dr. Hyder, has invited the attention of the Health Organisation of the League to the problem of indigenous drugs of India as also to further research which was required as regards manufacture and cheapening of quinine. As regards the study of indigenous drugs proposals have been put forward by Dr. Miya-

jima of Japan for the creation of a Commission for the study of Chinese drugs. No doubt a similar Commission appointed for the study of indigenous drugs of India would confer great benefits not only upon India but upon the world. Dr. Hyder also expressed hope that the meetings which the League organised of directors of health administrations would be held in Asia as well as in Europe.

Nor has it been left only to the Indian Delegates to make such suggestions. Thus Major-General Sir Leonard Rogers writing to the Health Secretariat in 1927 advocated strongly a mass inoculation campaign for all pilgrims proceeding to the Hardwar fair. The Health Committee was anxious to know the facts and Major-General Graham was able to present them graphically, thus helping the Committee to realise the point of view of the Indian public health officers. They could accept the suggestions of Sir Leonard Rogers in principle, but the scheme could not be worked practically in the time at the disposal of the various sanitary authorities even had it been possible to do so for other reasons.\*

How the study of Tropical Medicine in India is being stimulated by outside co-operation and notice has been pointed out by Col. Mackie in his Report as Public Health Commissioner for 1926. He shows that the interest which is taken abroad in all tropical disease problems arises both from inquisitive and helpful motives. "People are anxious to join in the elucidation of our problems when opportunity offers and are also anxious to know what is being done to solve these problems. India can no longer afford to ignore outside opinion and one of surest ways of carrying the good will of outsiders with us in health matters is to give a free expose of actual conditions and of what is being done." In this direction also the help given by the League has to be recognised.

### **Contribution of India to the Cause of Health Advance.**

We have spoken so far of the assistance received by India from the many-sided and comprehensive work for health done by

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\*Report of Public Health Commissioner for India for 1927, Vol. I, pp. 124—125.

the League. But in justice to this country a few words might be said as to her share in the general co-operation and of her positive contributions in these respects. Take, for example, the research on Malaria; here we find India has made a princely contribution. The Malaria Commission has placed it on record that research workers in other parts of the world "continue to look gratefully to Mother India as the source from which they derived so much inspiration". The same Commission has paid its tribute to the basic research and the "classical work" of Gill, Bentley, Covell, not to mention Christophers and James. Sir Ronald Ross's discovery of the mosquito cycle is known every where, and "in India as all over the world, Ross's work was followed by a great increase in the interest taken in Malaria and other tropical diseases. The systematic work of Giles on mosquitoes generally and of James and Liston on the Indian Anopheles were among the earliest pioneer work of this kind in the world."\* Col. Christophers in his valuable note on Malaria Research also points out the very important part taken by India in the early botanical and other work connected with the introduction and cultivation of Cinchona and manufacture of Quinine. In particular it was the entirely new process for manufacturing pure quinine discovered at the Sikkim plantation in 1887 which cheapened the manufacture of quinine throughout the world. The same authority has referred to the notable studies on the spleen rate, a method employed by Dempster nearly ninety years ago for mapping Malaria in India.

In the matter of *cholera* world-wide interest is now being taken and a great deal of work has been accomplished. India is at present the biggest reservoir of cholera and naturally the world's attention is fixed on what is being done here in this respect. Anti-cholera inoculation has been carried out on a large scale in Madras and Bengal and the results of such inoculation have been communicated to the world and have aroused a great attention in the League of Nations and in the Office International. Col. Russell, I.M.S., was asked by the League of Nations to prepare

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\*On this topic the locus classicus is the note on Malaria Research by Col. Christophers prepared for the Malaria Commission.

a special memorandum on the epidemiology of cholera and this has proved a notable addition to the literature on the subject. The Government of India invited Dr. d'Herelle of the Pasteur Institute of Paris to come to India and investigate bacteriophage in relation to cholera. Dr. d'Herelle's investigations on the cholera bacteriophage in India have been the foundation of an intensive study of the cholera organism which is going on in India at the present moment. The work in India on the varieties of cholera organisms (Dr. Tomb, Major Moitra, Captain Pasricha, Col. Morison and others) has stimulated similar work all over the world, especially in Egypt and the Hedjaz. Dr. Madsen of the League of Nations has stressed the international importance of this matter and the proposal to form a cholera commission in India received enthusiastic support from the League of Nations' Health Section. Financial stringency however has prevented the formation of this commission in India, but there is no doubt that it will come soon.

In the matter of *plague*, the investigations of the Plague Commission in India which published its reports between the years 1912-1917 are now of world-wide knowledge. This Commission was formed with the co-operation of the Royal Society of England. While the greatest and most fundamental part of its work was carried out in India, several very important subsidiary investigations were carried out in the Lister Institute in London. The work of the Plague Commission was the starting point of world-wide co-operation in the matter of plague research. Freedom from plague of certain areas in India was a puzzle which the Plague Commission did not particularly solve though it pointed out the way. This work was taken up by Dr. Hirst in Colombo, Ceylon, who showed that the distribution in prevalence of particular species of rat fleas might help in solving this puzzling problem. This work has been extended in India by various observers (Cragg, Chittre, Dunn and Goyle) and the League of Nations at its meeting at the F. E. A. T. M. Conference in Calcutta in 1927, mapped out a programme of world research in plague.

In the matter of *leprosy* again, work in India has given a great impetus to the study of this scourge all over the world. The

work of Sir Leonard Rogers and Dr. Muir has been of a pioneer nature, and has led to an intensive study both of the pathology and treatment and mode of prevention of the disease in countries all over the world. In the Philippines, South Africa, the Malay Peninsula and Brazil, work is now going on, on co-ordinated lines of research. The Wood's Memorial Fund instituted by one of the late Governors of the Philippines has now given an international aspect to leprosy. Work is no longer carried out by isolated observers, but the difficulties are pooled in a common agency, and the whole world is now benefiting from the combined efforts of many workers in far isolated fields.

In *Kala-azar* we have a disease common to India, China, Soudan and Mediterranean parts of Europe and Africa. The stimulus to finding out a cure came originally from Italy, by the treatment of leishmaniasis with sodium antimony tartrate. Sir Leonard Rogers introduced this into India. It was a great advance in treatment where nothing has been possible before, but it was slow and tedious. Pharmacological research in Germany had shown the advantage of organic compounds of arsenic and antimony in the treatment of protozoal diseases in Africa. Research on these lines was actively carried out in India and was ultimately crowned with great success in the efforts of Dr. U. N. Brahmachari in his discovery of the beneficial effects of *urea stibamine*. Work along similar lines was also carried out in Germany and the research department of one of the large manufacturing companies there produced similar brilliant results. These drugs were tried on a large scale in the School of Tropical Medicine, Calcutta by Dr. Napier and others, so that the medical profession have now had placed in their hands potent remedies for what was one of the most terrible diseases of tropical countries.

In the study of *hookworm* the same sort of wide-spread and co-ordinated efforts have been applied. This disease saps the vitality and energy of millions of people in tropical areas in America, India and elsewhere. The Rockefeller Foundation as a matter of fact arose from an effort on the part of doctors and philanthropists to rid the Southern American States of this scourge. The

success of this effort showed the value of investigation and control of the disease over large areas and Mr. John Rockefeller soon afterwards founded his Foundation for the purpose of assisting and initiating medical investigation and control of infectious diseases all over the world. The Foundation has aided research on hookworm in Australia, the Philippine Islands, India and some other countries. India itself has done a great deal of work on hookworm specially through the labours of Dr. Chandler at the School of Tropical Medicine, Calcutta.

Another example of Indian work which has been extended all over the world is that of nutrition and goitre. Colonel McCarri-son's work in Gilgit and Conoor is known throughout the world and intensive research work on these important questions is now going on everywhere.

The Rockefeller Foundation is very desirous of helping official work in medicine and public health all over the world, and several of our Indian workers have benefited by fellowships and scholarships which have enabled them to travel and study in other countries, bringing back with them added knowledge and experience.

Isolation in medical matters is now a thing of the past. India cannot ignore outside factors and her own interests demand that she not only should investigate and control diseases within her own borders, but should co-operate with other countries with mutual benefit. That India has done so successfully and brilliantly is evidenced by the few examples we have given above.



## CHAPTER V.

### INTELLECTUAL CO-OPERATION.

#### The Object of Intellectual Co-operation.

We now come to consider the co-operative conception of intellectual work and to indicate its great potentialities. It has not been until very recently that attempts have been made to furnish a definition of the objects of Intellectual Co-operation. And this is indeed the normal course of things, and what was to be expected—since the achievement always takes precedence of the formal definition. Then, again, in a most important sense, intellectual co-operation is the very crown and apex of the work of the League. As M. Paul Valery put it “the underlying object of the League of Nations is to create an attitude of comprehension between the peoples;” or as Prof. Gilbert Murray has expressed it luminously, the League must have an “inner bond” if it is to exist. That distinguished *savant* remarked that had we have been in the Middle ages “the inner bond” would have been found in a common religious creed and a common hatred. But in a society which comprises almost all nations and religions, and which does not permit itself the luxury of a common enemy, the problem was infinitely more difficult.<sup>1</sup> These basic ideas were developed by the Committee on Intellectual Co-operation (1930), which stated that the object of intellectual co-operation was to create “an atmosphere favourable to mutual understanding between the nations.” M. Chodzko (the Polish Delegate) would have cleared the matter still further by adding to the above definition the words “with a view to promoting, by facilitating mutual knowledge and comprehension of the peoples by every possible means.”<sup>2</sup> This line of defining the work is to be welcomed, for the aim of the whole task of the League is *the creation of an international mind*. The formation of such a mind or mentality or point of view is indeed necessary for the success of the

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<sup>1</sup>Minutes of the Second Committee, 1930, p. 65.

<sup>2</sup>See a valuable contribution from Prof. Gilbert Murray to the *Times*, 27th August 1931.

whole programme of the League ranging from Disarmament and preservation of the peace to economic, social and humanitarian activities. Sir Ramaswami Ayyar speaking in 1927 on behalf of India summarised the task well when he asserted that "we are striving for the creation of a new mental attitude which has been called the international mind and which can only be evolved by the widening of our interests." Only with such a mentality can the task of the League be performed, through forging links between all nations which no nation would ever like to break. It is when the League covers the whole international life that it will possess that influence which alone can enable it to perform its great and comprehensive task for humanity.

While the idea of intellectual co-operation on the world wide scale must have always appealed to the nobler intellects of the world, for the immediate antecedents of the work of the League on that side we have to express our obligations to Belgium, and in Belgium itself to two eminent personalities, M. M. Otlet and La Fontaine. For all lovers of literature and science there is a singular charm in that article which these two gentlemen have contributed to the valuable book called "The League of Nations Starts"—in which they have given an account of the work done in Belgium which was the necessary preliminary of what the League is at present doing for Intellectual Co-operation. A fine commentary on that article is furnished by the fifth chapter of Mr. Greaves' book on "The League Committees and World Order"; for the modesty of Messrs. Otlet and La Fontaine forbade them to deal adequately with their own achievements in intellectual co-operations. For "they organised the International Index of Bibliography, the International Library, and the International Museum at Brussels." Still more important was the rise of the Union of International Associations which aimed at "a world organisation founded on law, on scientific and technical progress, and on the free representation of all the interests which are common to the human race." \* There were formed the ideals of common plans of study of an interchange of teachers and above all of an International University an ideal as yet very partially realised: An international univer-

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\*Greaves, *op. cit.*, p. 111.

sity would form the nucleus of what has been called international mind. By that is meant a denational approach to the problems of the day and an organised thinking upon world society with its institutional expression, the League. Eternal fame awaits the man or the country that builds such a university. The foundations lie already in Geneva." \*

### India's Interest in and Potentialities regarding Intellectual Co-operation.

We might now come to consider the interest of the East in general—and of India in particular—in the task of intellectual co-operation. It might be asserted that large as is the financial contribution of India to the League, its contribution in the shape of intellectual ideals, potentialities and methods is, in due time, likely to be much larger proportionately. As there are individual men who have the requisite knack of teaching others, so there are nations and countries which possess in an eminent degree the tutorial instinct or capacity. We can illustrate this proposition from history, and note the place of ancient countries like India, Persia, Greece, Egypt and China in this connection. Great cultural influences have emanated from India and have helped the intellectual progress of surrounding countries like Ceylon, Further India and China. The discoveries of Sir Aurel Stein and other great travellers have shown how far North these influences have penetrated. Among other achievements of Indian intellect might be mentioned the evolution of important educational systems which did notable service for many centuries. After a long period of suspended activity India is rapidly adopting the modern panoply of intellect and is preparing for fresh triumphs in Science and Art as well as in Ethics and Sociology.

Then again, if the true object of intellectual co-operation is the formation of an international mind we should necessarily include in it not only the comparative study of Arts and Sciences and laws but a study of comparative religion and ethical ideals. Nothing has kept apart countries and nations so much in the past as religious

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\*Greaves, *op. cit.*, p. 138.

antagonisms and the idea of the superiority of individual religions. But in these days a great many of us have come to believe in religion as such rather than in individual religions. Hence the ground is prepared for a common point of view in matters of religion; and an important part of the intellectual work of the League should be the stimulation of the study of Comparative religion. When, however, that study is prosecuted as it should be Indian systems of religion and philosophy will yield most valuable material. Indeed here the East will give the lion's share of the material with the respective contributions made by Zoroastrian, Hindu, Taoist and Islamic systems. While in the political aspect the task of the League is a synthesis, on the side of religion and philosophy we should aim at least at clearing the atmosphere and removing misconceptions, which are the parents of needless and unseemly antagonisms, in a region where the brotherhood of man and the Fatherhood of God should form the ideals and the general atmosphere.

As in religion so in Sociology there is great need of developing the common or world point of view. For differences of customs and manners divide the world no less than differences of religion. Here again Asiatic countries like India, Persia, and China are marvellous museums of Sociology teeming with the richest material.

The League's interest in the improvement of the conditions under which translations of literary works are carried out is well known. Here again there are vast treasures of literature, religion and history lying untranslated in India, Persia and China—translations which if carried out on an adequate scale and in the proper spirit will throw most important light on the history of religious and philosophical thought, and on the historical and literary development of the world. It is for example a matter of common knowledge that much light can be thrown on the dark corners of the histories of Persia and India by translations of Chinese works and encyclopedias. For example, many an Indian classic forgotten in its ancient home has been revived from Chinese references and translations. The light thrown on Indian history, for examples by the travels of Hiuen Tsang, by the biography of the latter written by

his friend Hwui-li and by the translations into Chinese by Kumara-jiva and others is of the most important nature. In this connection Tibetan sources must also be tapped in the immediate future.

Another line of work in which India must be deeply interested is the study of University relations and problems by the League. The tasks which the Sub-Committee on University Relations is performing are of great importance and their successful achievement might do much to stimulate University life in India. We are deeply interested in the international recognition of our degrees and diplomas; and the comparative study of curricula such as the sub-Committee is carrying on is sure to be very suggestive for us. Again, the idea of the movements of professors (University Exchanges) is full of promise for the development of University work though of course financial considerations cannot be quite neglected even here. Thus in 1928 Sir K. V. Reddi told the Second Committee that "as regards the exchange of teachers between India and European states, the poverty of India is an obstacle—India is more than 6,000 miles from Europe and the cost of sending and receiving teachers to and from this Continent is somewhat prohibitive. Further, the teachers in my country are paid low salaries, what in Europe would perhaps be called starvation wages. The same reason applies in the case of sending students from India to Europe."

### **The Machinery of Intellectual Co-operation.**

#### **(a) The Committee on Intellectual Co-operation.**

The Committee on Intellectual Co-operation forms the most important part of the mechanism constructed for intellectual co-operation. It is composed of fifteen eminent men representing as many nationalities. India has been represented there by her distinguished sons like Sir Jagadis Bose and Dr. Sir S. Radhakrishnan. Amongst other men of eminent fame who have lent distinction to the Committee might be mentioned Bergson, Einstein and Gilbert Murray. In the Committee's own words "it should comprise as far as possible, representatives of the principal branches of intellectual activity, and at the same time representatives, not only of nationalities but of the principal groups of culture." Its functions include the study of the conditions of intellectual workers and the sugges-

tion of remedies; \* for these conditions have been to a great extent adversely affected not only by the Great War but also by gradual developments in the educational system of nations. Sir Eric Drummond has for instance called attention to the great increase in the proportion of intellectual workers in the community<sup>1</sup> which has “endangered the older standards of thorough and disinterested work. The incursion of mechanical inventions into new fields—as for instance in music and the drama—has suddenly confronted scholars with problems analogous to those with which manual workers have been familiar from the end of the 18th century. Specialists in a great variety of subjects are also being called upon to face wholly new practical responsibilities.” To be brief, the committee’s task is to carry out a complete and comprehensive enquiry into a large number of aspects of the intellectual life of our time. And as to the methods employed, they are of course the same comparative methods that have been so successfully employed in other fields of the work of the League.

Fortunately for the student of Intellectual Co-operation Prof. Gilbert Murray—a highly distinguished member of the Committee—has himself recently given us an insight into the difficulties, methods and mentality of the Committee. He starts by imagining a critic asking questions regarding and showing doubts about the Committee’s work on intellectual co-operation: “A great conception and a vast programme; but how can a committee of some 15 or 20 elderly *savants* however eminent bring it about?” He replies to the hypothetical critic by saying that “the Committee itself can do very little; its principle is not to do things but to encourage other bodies to do them; *provoquer et faciliter*—to suggest and to help.” Our authority admits that even so the difficulties in the work of the Committee were great and he notices three stages in the work of that body—the first one when it was full of enthusiasm, but “with no funds and no staff.” Then followed a period of gropings and experiments, but with funds flowing in. The present and the most hopeful stage began in 1930 with the reorganization of which we shall speak later.

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\*Greaves, *op. cit.*, p. 117—120.

<sup>1</sup>Drummond, *op. cit.*, 315—8.



### (b) International Institute at Paris.

Then there is the International Institute of Intellectual Co-operation at Paris subsidised mainly by the French Government, but in part also by various other countries of Europe and America. Its object was to "prepare the work to be discussed by the Committee on Intellectual Co-operation, to assure in all countries the carrying out of the decisions and recommendations of that Committee and by every means in its power, to promote, through international co-operation, the organization of intellectual work throughout the world." Sir Eric Drummond's opinion on the subject is naturally entitled to great weight; and according to him the Institute is only formally an independent body, for the Governing Body consists of the same members as the Committee on Intellectual Co-operation. Nevertheless there has been some criticism of the French attitude on this subject. It has been suggested that the Institute in Paris should take on a more definitely international tone and character, and that generally speaking the constitution of the staff is much too French; though we on our part have to add that one Indian was employed on it. An eminent critic has added that "a greater degree of internationalism would improve its efficiency as international bureau". He has added that the proper location of the Institute should have been Geneva not Paris "because a League institute could not function efficiently at such a distance from the international centre."\*

### (c) National Committees.

The National Committees form the links between the Committee on Intellectual Co-operation and the intellectual life of individual countries; through them the central Committee obtains information on local matters. The importance of such national Committees cannot be exaggerated, for after all, as has been well observed, international intellectual effort must be the prolongation of national culture. It is therefore satisfactory to find that a great many countries even out of Europe have got their National Committees. Representatives of many of them have met in Geneva in some years, just before the session of the plenary Committee, and it is needless

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\*Greaves, *op. cit.*, pp. 131—1932; Drummond, *op. cit.*, p. 317.

to say that such interchange of thought is of great advantage—the meetings forming “a very useful means of contact and co-operation between the intellectual circles of various countries and the International Committee on Intellectual co-operation.”

So far India has not formed its National Committee, although authoritative opinions have been advanced as to the desirability of possessing one. Thus in the year 1927 Sir Fazl-i-Husain made the suggestion that “a National Committee of Intellectual Co-operation of Ministers and Directors of Public Instruction in each Province, Vice-Chancellors of each University, and two other representatives from each province to be nominated by the Government of India, will afford a very suitable body to deal with the Intellectual Co-operation work of the League of Nations, who will in their turn forward the literature to the various Provinces and various Universities. In this way India will be able to keep in touch with the Intellectual Co-operation movement of the League of Nations to the very great benefit of herself.” Admittedly this proposal for a National Committee was based upon the way in which the Department of Public Health in India kept in touch with the Health Organisation of the League. Sir Fazl-i-Husain added that had the All-India Advisory Board of Education not been retrenched it might have provided at any rate part of the required mechanism. In 1928 Sir K. V. Reddi, when addressing the same Committee, put forward the difficulties felt by India in providing such National Committees and showed that their formation would take time if such committees are to be representatives of the diversified intellectual organization of India. For education is a provincial subject, and it is the provincial Education Ministers who have to solve and work out the problem. Meanwhile two proposals have been made to secure co-operation in India with this League Organisation. One suggestion is to the effect that the Inter-Universities Board in India might be recognised as the National Committee for India. The other is that the Educational Commissioner of the Government of India might act as a correspondent with the Secretariat of the International Committee. This latter suggestion has been welcomed by the Secretariat of the League.

More recently, at the Thirteenth Plenary Session of the International Committee on Intellectual Co-operation, Sir S. Radhakrishnan made important and interesting suggestions regarding the organization and composition of the National Committee on Intellectual Co-operation for India. He represented that it would be impossible to have a single Committee of the sort for the whole of India. He thought that the best organisation would consist of a Central Committee as a co-ordinating body with three or four regional sub-committees representing the intellectual life of the South, the North, the East and the West of the country. It would be essential for these bodies to have an entirely non-official character, since, otherwise, they could not be made representative of the cultural life of the community. The organisation might receive subsidies from the state which would be represented by one or two members. The various Indian Universities would each have a representative. Sir Radhakrishnan thought that this would be the best way to arouse interest for the work of the League of Nations in the matters of intellectual co-operation among the intellectuals of India and would also bring them together. Few would be found to question the central proposition of Sir Radhakrishnan that the National Committee for India should have a representative organization if it is to voice the many cultural aspects and interests of a continent like India. The project leaves an adequate voice to the State and to the Universities on the Committee. Such a project will have to be considered carefully when India is considering the nature and the organization of the Committee. The working of Provincial or regional sub-committees and the co-ordination of their ideas by the National Committee would not only stimulate intellectual life and activity throughout India but would also present the intellectual problem of India in its true perspective and in its multifarious aspects. There is and there must be differences in the intellectual work carried on—as well as in the lines on which it is carried on in the various regions of India. We do not want an identity and duplication of methods or even of secondary ideals in all provinces—though of course the primary ideal of education must be the same everywhere. The writer might add that the lines of Sir Radhakrishnan's project for Provincial and Central Committees in India

for Intellectual Co-operation are identical with those which are desirable in the case of the National Economic Committee for India.

### Lines of Work.

#### (a) Scientific and Literary Property.

Amongst the lines of work carried on by the Committee for Intellectual Co-operation through its sub-committees might be mentioned first the study of laws relating to scientific, literary and artistic property. On the scientific side a scheme has been proposed by Senator Ruffini by which more protection is to be given to the author of a scientific discovery than he gets at present—the principle being that “every scientific discovery open to material utilization entitles its author to remuneration from the users thereof.” So also at the Rome Conference on Copyright, “the moral right of an author” over his work at length obtained recognition—thus crowning the protracted efforts of the Committee on Intellectual Co-operation, as M. Paul Boncour observed. In 1927 a special committee of experts at Paris has prepared a draft Convention on Scientific property to protect and reward scientists and their discoveries. Improvements in the existing Convention on copyright were also proposed. \*

On the subject of protection of scientific property the views of the Indian Government were put forward by Sir K. V. Reddi before the Sixth Committee in 1928. He observed that the scheme disclosed by the draft convention lays emphasis throughout on the private rights of scientific discoverers and inventors; while according to the law of patents and copyrights now prevailing in India greater importance is attached to public interest than to private rights. In the scheme before the Committee an attempt seemed to have been made to base these private rights on principles of abstract justice, to enable discoverers and inventors to levy a toll on the community in respect of their discoveries and inventions.

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\*Cf. M. Breitscheid's and M. G. Gallavresi's Reports upon the work of the Committee on Intellectual Co-operation for the years 1927 and 1928.

That was believed to give encouragement to these scientists in their endeavours. As Sir K. V. Reddi put it, "the Indian government possibly considered that humanitarian motives and love of science have all along supplied the incentive for scientists to work. However, the Government of India would be perfectly willing to admit that scientists inventors and discoverers are duly entitled to their just rewards, but in assessing such rewards due care must be taken that public interests do not suffer in any way and that public convenience and public rights are in no way infringed." Obviously the principles of Scientific property postulated by Prof. Ruffini might be advisedly modified to some extent.

### **(b) University Relations.**

On this side of work also there is a series of most important problems to be tackled. There is, for example, the problem of equivalence of University degrees—a matter of importance to Indian students proceeding abroad for their studies. Sir Eric Drummond notes that "the problem has proved to be far more complex than the framers of the first resolution can have imagined, for analysis has revealed unexpected differences, not only between educational levels in different countries but also between types of institutions and the place occupied by them in the different national systems of education." The matter is however being carefully investigated as are also the topics of "movements of Professors and students between the different countries", of University exchanges. One can have every sympathy with the idea of Count Carton de Wiart that intellectual barriers between countries should be broken down by creating equivalent university diplomas and similar measures. Last but not least, the problem of the growth of the number of graduates of universities is being discussed and explored—a problem which is becoming more and more familiar in a highly intellectual country like India.

### **(c) Co-ordination of Bibliography.**

In the field of co-ordination of bibliography a great deal of activity has been shown and there are in preparation bibliographies of the sciences of Biology, Physics, Economics, Sociology, etc. Then there is the bibliography of Latin languages. This leads us to

anticipate and suggest bibliographies of Persian, Sanskrit and Arabic literatures. Indeed there is far more work to be done in these languages than in the case of Latin and Greek which have already received ample attention from bibliographers for centuries. There are a great many learned societies in India which would no doubt co-operate effectively in the construction of such bibliographies of the literatures of the East.

#### (d) Education in Aims of the League.

The work of education in the aims of the League is, it need scarcely be said, a task of the highest importance. "The problem of League Education" says Prof. Gilbert Murray, "that is, how to instruct the young people of the world in the work and aims of the League of Nations, and how to familiarise them with the idea that international co-operation and mutual help form the normal method of managing world affairs. If that education is effectively given, will not the face of the world be changed?" Important, however, as the task of giving such education no doubt is, it is also a particularly difficult one, since "the League is here confronted, in the most practical form, with the problem of reconciling a common international purpose with all that is most intimate and deep-rooted in national temperaments and traditions."\* Nevertheless through the labours of a special sub-committee much ground has been covered, and the preparation of the pamphlet called the "Aims and Organisation of the League of Nations;" and the publication of the "Educational Survey" are important landmarks in the work. Another important matter is that of the co-ordination of Libraries, drawing the attention of scholars to their contents and providing machinery for loans from and exchanges between them.

But indeed there can be no end to the tasks of the Committee and sub-committees of Intellectual Co-operation; for their work is conterminous with the rationalization of all human life and experience. It is interesting in this connection to note some papers on the subject of intellectual co-operation of the world written by that able scholar Mr. Van Mannen (the present Secretary of the

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\*Sir Eric Drummond, *op. cit.*, p. 328.



Asiatic Society of Bengal) during the war period. There is advantage in comparing the anticipations of a enthusiastic scholar with the actual reality and development. We have already seen some of these anticipations by Messrs. Otlet and La Fontaine. It might be of advantage to have another point of view before us. According to it one aspect of the work of a body like the League of Nations should be, in the case of each subject or province of knowledge, to discover that standpoint which clears the way for free international association and for the progressive socialisation of the results of human achievement. Whether the subject is politics or economics or religion—the aim should be to create a world point of view. Mr. Van Mannen has also pointed to another aspect of the work of intellectual co-operation—the creation of a net work of communications of an intellectual character. He shows that at present the way in which the results of the study of scholars are put upon the world, resembles nothing so much as the way in which in coal mines the slug is dumped down just in a heap. Every year the vast ballast of scientific facts and literary ideas becomes larger, and every year it becomes more difficult to trace any particular item. It is for an international body representative of the whole of society to work at the gigantic task of sorting this annual accumulation of scientific facts and literary or philosophic theories, and of preparing a sort of Bradshaw or Baedeker of the world's intellectual activity, which might serve as a basis of unification, assimilation, federation and combination—which would combat waste, disorder and unbusiness-likeness in the field of learning. Similarly a great deal of co-ordination is required in the field of the preparation of reference books where there remain to be pointed out at least two desiderata. In the first place, we have at present so many reference books produced unmethodically that they overlap each other as regards a great many topics; and yet leave wide tracts of knowledge untouched and uncared for. This is because the whole field has never been mapped or parcelled out. Secondly there should be a general guide book to these systematised reference books. These are ideas which might well prove useful in the task of carrying out Intellectual Co-operation by the League. For a more permanent and comprehensive dis-

cussion of the tasks of Intellectual Co-operation the reader is referred to Fraulein Rothbarth's well-known work on "Die Geistige Zusammenarbeit".

### Criticism of the Works of Intellectual Co-operation.

From such potentialities of the expansion of the work of Intellectual Co-operation we might turn to the criticism which has been devoted to the actual work done. This criticism need not alarm the greatest enthusiast for the League's work; for in all human progress a considerable measure of development is always followed by healthy criticism, and all growth is subject to pruning. Similarly, in the case of Intellectual Co-operation there is a double trend. On the one hand we see the multiplication of the tasks undertaken by the Committee, since this line of co-operation appears as one of the most important features of the international life of our time. The other tendency is that of a systematic revision of the work of the Committee not only in order to improve the methods of work but also to secure a more definite programme. It was properly observed in the Report of the Second Committee on the subject in the year 1929 that the organisation for Intellectual Co-operation had arrived at a turning point. "Following the normal course of every enterprise, its first years were devoted, on the one hand to exploring this vast field of co-operation in science, letters, arts, education and intellectual rights, and, on the other, to endeavouring to obtain in these various directions certain partial results, some of which have been achieved, whilst others have met with obstacles. There may be some reason to fear that, in the zeal aroused by the enormous interest of the subject, more work was undertaken than it was possible to carry through". The British delegate had also emphasised in the year 1929 the need of a thorough reorganisation, both of approach and of machinery, on a realistic plan. The association of experts in the inquiry was welcomed. The main issues in the proposed reorganization were the definition of the objects in view, the tightening up of the administration and machinery, the selection of definite problems of a practical and urgent nature for treatment and the best means of concentrating upon these problems.

### Lines of Reorganization.

The lines of a thorough reorganization of the work of Intellectual Co-operation were laid down in the year 1930. The speeches of the British Delegates (Mrs. Mary Hamilton) as well as of the Austrian delegate in the Second Committee on that subject are particularly instructive, and help us to follow the development of the situation very clearly. The last ten years of work were said to have been "years of trial and error". Indeed the need of a thorough reorganization had been recognised very generally, and the Chairman of the Committee on Intellectual Co-operation had observed that "he had himself year by year seen the situation growing worse in regard to the whole organization and that he felt a serious inquiry necessary". Mrs. Hamilton went on to add that "the object of intellectual co-operation is primarily to get the world's intellectuals in every country keenly interested in the League and to make them in their different spheres effective agents for the work of peace and international co-operation for which the League stands. The intellectual is the shyest bird in the world; he is perhaps the most individualistic of all workers. It is natural to him to work alone, to be deeply concerned about his own results, and to be not so deeply interested in the results of others or in communicating his own results to them. Moreover, the intellectual to-day is working in a world which is more broken up individually than probably it has ever been, a world in which the characteristic mental expression—I will not say intellectual expression—is that of the journalist, a habit of analysis rather than of synthesis. To effect such an intellectual synthesis in a social organisation like ours is extraordinarily difficult."\*

The chief factor in the new organisation was the establishment of the Executive Committee to meet four times a year and to supervise the whole work of intellectual co-operation. In the second place there was also a substitution of committees of experts for the sub-committees. As the Rapporteur M. Fierlinger put it, more use should be made of personal relations between authorised and competent experts in different countries in order to achieve

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\*Minutes of the Second Committee, 1930, p. 64.

progress in intellectual matters. This is merely the adoption in the present sphere of the same method which had succeeded in other spheres of the League's work, and it resulted in a more complete co-ordination of the administrative experts with the purely intellectual experts. We note further a simplification and more precise definition of the programme of work—a thing which had been so long hoped for and expected. The subjects to be worked upon were to be restricted to those upon which the available resources can be effectively concentrated at any given time. In the fourth place we witness an “administrative re-adaptation” of the Paris Institute. It was of course to possess a sufficient measure of freedom and independence; but as the executive organ of the organisation, it will be used in future mainly to provide machinery for co-ordinating the work of national institutions, to effect contact between experts in different countries and to make known the results in a series of publications rather than to carry out original work on its own account. At the same time, as M. Francois Poncet emphasised on behalf of the French Delegation “the Paris Institute possesses the relative autonomy and powers of initiative provided for it under its Statute and under the agreements concluded, on its creation. The French delegate also welcomed the change that in the methods of the Institute as in that of the Committee there should be a more systematic resort than has hitherto been the case to committees of experts. The changes introduced were also such as strengthened the educational side of the work of Intellectual Co-operation and gave a more important place to the educational question.

The Rapporteur on the subject in the year 1931 summed up the changes by observing that their characteristic feature was to bring together under ægis of the International Committee on Intellectual Co-operation the best minds of the various countries to deal with education, art, literature or science. The Committee will not attempt to elucidate all the international questions in these spheres but will make a judicious selection from amongst them. Further, when handling these it calls upon the Paris Institute to summon a Committee of Experts consisting of distinguished persons and, thus to enjoy the benefit of the best advice.

It is gratifying to find that the changes have met with a general approval. The British Delegation "entirely accepted the Report"; and many other Delegations "were in full agreement with the changes proposed by the Committee of Enquiry—The Rapporteur M. Fierlinger pronounced a high encomium on the work. "A minute and conscientious review of all the elements on which it is possible to count has been made; definite and precise aims have been indicated; spheres of action have been laid down with the idea of not making the scope of the work too wide or too rigid; depth rather than extent has been the aim. I believe that we can now regard the future with confidence." Even more weighty is the pronouncement of Prof. Gilbert Murray on the changes: "By 1930 there was enough experience to make possible a practical reform of the whole organization. It is not to be supposed that the final form has yet been reached but the improvement is great".

Let us now try to obtain an idea of the new definition of the work of Intellectual Co-operation and of the new procedure for promoting it. That alone can make us appreciate the extent of the progress achieved by the reorganization. Looking to the new and "definite programme" first we are sure that it has been made more definite but at the same time there is no possible ground for believing that it has been made less comprehensive. The first heading of the programme is "to develop the exchange of ideas and to effect personal contacts between the intellectual workers of all countries". By itself this heading can include most things dreamed of by the most ardent advocates of Intellectual Co-operation. And the second, third and even the fourth headings are like unto the first. "To encourage and promote co-operation between institutions doing work of an intellectual character," is a mighty task indeed. Not less satisfactory or comprehensive is the third aim—"to facilitate the spread of the knowledge of the literary, artistic and scientific efforts of different nations." The fourth "essential and fundamental question" set down by the Committee of Enquiry is "to study jointly certain major problems of international bearing". No one can after this, question the comprehensive character of the range of work of Intellectual Co-operation as

carried on by the League. As we have shown, that work is bound to grow and the claims of Indian classics, sociology and religions to occupy a large share of the League's activities on this side. The claims of the culture of ancient India, proper interpretation and appraisal are amongst the most important. The performance of that task will not only assist in the cultural advance of the world but will also strengthen the ties which bind India to the League. India will also benefit by any efforts made by the League for the advancement of the Science and Literature of the present day.

Coming from the new definition of the programme of Intellectual Co-operation to that of the procedure for carrying out that programme, there also we find undoubted signs of progress. Between the annual sessions of the International Committee, the Executive Committee directs the development of Intellectual Co-operation and carries into effect the decisions taken. The personnel of this Executive Committee and of the Committee of Directors of the Institute is the same now and they sit simultaneously four times a year in Paris and Geneva. When a new question is now placed on the programme, the Executive Committee directs the Institute to collect information and on a review of this information might have it examined by an *ad hoc* Committee of experts. On their report the Executive Committee might take action or might refer the matter for examination to a permanent (or long-period) Committee of experts. Thus, under the new procedure, we have the proper division of labour and specialisation of functions which had so long been wanting.

The present chapter would be incomplete unless at least a brief account is given of the views put forward by the Indian representatives at the meetings of the International Committee on Intellectual Co-operation. Thus at the Thirteenth Plenary Session Sir Radhakrishnan advanced a plea for a better knowledge of India and of its intellectual problems on the part of the League. He then went on to emphasise the positive character of the work of the Committee on Intellectual Co-operation, which was in contrast with the somewhat negative character of some other aspects of the work of the League which aimed rather at avoiding certain dangers to peace than at creating values fostering peace to be handed down



to succeeding generations. By the weakening of the religious idea, peace had been deprived of one of its main supports, and this deficiency should be made good in some other way. Art and poetry, in which the genius of nations found expression, were perhaps in this respect the most suitable forces to take the place of religion.

But that being the important role of literature and of art in International Co-operation we must have a comprehensive view of such co-operation. And hence, added Sir Radhakrishnan, the talents of all countries should be enlisted in the task of Intellectual Co-operation without regard to the political creeds of nations. He suggested for such inclusion and enlisting the names of Maxim Gorky and of Rabindranath Tagore. These ideas received a great deal of support at the Session.

We have already noted the importance of the proper editing and translation of the Indian Classics; and the matter was duly taken up by the Indian member of the Committee in 1931.

A very important problem was discussed with reference to the request for Co-operation submitted by the Chinese Government to the League of Nations with a view to the reformation of the Educational system of China through a mission of educationists. The Japanese member of the Committee—M. Tanakadate—suggested that the mission might make Japan a port of call and might devote some time to an enquiry similar to that to be made in China. Sir Radhakrishnan made a similar suggestion to that of M. Tanakadate, and asked whether the mission could not stop in India on its way back to Europe and make there, as in Japan, a rapid enquiry into education. He added that the problem of Education was just as great in India as in China, since the two countries were in a very similar situation. The old educational methods had been abolished in both, and the new system had not proved as yet quite satisfactory.

More recently (in July 1932) there was a Joint Meeting of the Committee on Intellectual Co-operation and of the Committee on Moral Disarmament. On that occasion Sir Radhakrishnan's speech was warmly praised by the President of the Moral Disarmament Committee and by other participants in the proceedings.

In the course of that address Professor Radhakrishnan referred to the particular Committee as representing the mind and soul of the League of Nations. It stood against all forms of international non-co-operation, whether in the mild shape of tariffs and customs or in the more severe form of military armaments and attacks from air. They recognised, however, that although much had been done through the medium of that Committee, they ought to be able to do a good deal more. Some people thought of them as a set of elderly gentlemen keenly sensitive about their reputation for practical sense and strongly convinced of the inevitability of gradualness. He admitted that their achievements were not proportioned to their desires. They seemed to be in the unenviable position of the angels in Dante's Divine Comedy, who kept neutral in the conflict between God and Satan. They were not accepted by heaven, and they were rejected by hell. The plight of those angels was the fate of all cautious liberals in historical crises.

There were occasions, the Professor proceeded, when over-much caution was a crime, and that was so at the present moment. Nations were full of greed and jealousy, hatred and suspicion. Too many of their leaders were narrowly nationalist. If a crash was to be prevented they must not allow time to be the moulding force of events. They must take charge of it themselves and, so to say, force its pace. They must produce the moral and intellectual energy necessary for right and rapid movement. If the war mind was to be diminished in power and new habits of thought were to take its place, it could only be through education and enlightenment—not a mere intellectual education. That proved to be ineffective enough in the last war. Our religions which taught us peace and goodwill could not prevent the most murderous war in history. Our economic motives and teachings that wars were an economic waste could not prevent the most appalling waste of capital. Our respects for law could not compel adherence to the most elementary principles of warfare. Our love of art and beauty was powerless against the vandalism which destroyed some of the world's masterpieces.

“The education we want”, said the speaker, “is a constructive process, a fundamental re-creation of the human mind directed not merely in the interests of the nation and State but for the welfare of the whole human community. We were taught in our younger days, by the waving of flags and the singing of songs, pride in our country and the glory of war. Let us teach the rising generation the love of humanity and the greatness of peace. Let us impress on them the unity of mankind and the duty we owe to humanity as a whole.”

Sir S. Radhakrishnan went on to say that the leadership of the world should be with its educators who alone could command the movement of ideas which were more the causes than the effects of public actions. We had now to set about deliberately changing the mind of the youth on this question, or civilisation itself would not survive. Our political arrangements were much behind our economic actualities and scientific facts. The world had become one physically. The present world depression was due to the independent management of the currency systems and credit structures by the different States. It was an era of the dictatorship of high finance. Our professionals, our profiteers, our financial leaders were all for perpetuating the present conditions, although we were on the edge of a volcano. The development of world unity and of a world culture which would express itself in a world citizenship was our only hope.

It was not easy, said the Professor, to develop an international mind. It imposed on us the duty of loyalty to the human community. It became an obligation to try to bring moral pressure on all those who were exploiting other people. Asiatics, the Chinese and the Indians, were by training, temperament and conviction pacifist. But their present condition, their material needs, their moral disgust with their subjection were making them wonder whether pacifism was a mistake and militarism the only right thing. Before they were compelled to change their attitude in this respect, the League of Nations should try to enforce justice and equality among all nations, small and great, backward and advanced.

The International Committee of Intellectual Co-operation could do much more to spread enlightenment and produce the right spirit if they were backed by material resources. He appealed to the President of the Moral Disarmament Committee of the Disarmament Conference to recommend monetary contributions from the States members of the League of Nations so that the work of pacification and mutual understanding on which they were engaged might be carried on with greater energy and success.\*

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\*These extracts are taken from the report in the *Hindu* of the 9th August, 1932.

## CHAPTER VI.

### SOCIAL AND HUMANITARIAN WORK OF THE LEAGUE.

We have considered in former chapters the work of the League in its Political, Economic, Intellectual and Health aspects. But its task would be still incomplete if it made no attempt to deal with the problems of social diseases and social "blots upon civilisation." It is indeed not much use to secure peace, to inculcate the rules and practices of health, to provide good literary and scientific conditions and to raise the standard of living, if the possibility was left open of having all that fair prospect blighted by permitting the traffic in women and children and in drugs, or by tolerating the institution of slavery. It is this range of the League's activities which we now approach to describe.

Needless to say on all or most of these matters there had been some measure of International Co-operation before the League began to exist. As far back as the year 1899 there had been held an International Congress to solve the problem of Traffic in Women and Children and an International Bureau had been established to suppress that traffic. Just before the war an International Congress held at Brussels was discussing co-operation for the object of child welfare. Efforts to check the drug traffic had long been going on, for India had already distinguished herself by making great sacrifices for controlling the traffic in opium, while the Hague Convention of 1912 marked a very important stage of International Co-operation on that subject. Wilberforce and Buxton had already immortalised themselves by their crusade against slavery, and Howard by initiating the reform of penal administration. But the basis of the general co-operation of all mankind against such evils was to be found in Article 23 (c) of the Covenant which entrusted the League with the supervision of the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs. The greatest crusade known to history against social evils was thus begun, and the work of the League was extended from that of

securing life and increasing its material endowment to the task of raising the value of life itself.

### Functions of the Traffic in Women and Children Committee.

It would be superfluous to emphasise the importance of the work done by this Committee both for the spiritual uplift and physical welfare of the countries concerned. The Committee's main tasks are to carry on extensive investigations in its sphere and to examine the annual reports supplied by the States which are parties to the White Slave Traffic Convention of 1921. It also supervises the operation of the Convention on Obscene Publications, and makes recommendations on other matters connected with moral and sexual offences. A sub-committee has been entrusted with the work of studying the laws and regulations tending to the more effective punishment of *souteneurs*, and especially the nature of penalties which could be imposed for the purpose. A great step forward was taken under the auspices of the League with the establishment of the Convention of 1921. Sir E. Drummond sums up the provisions of that Convention by observing that it raises the age of consent, punishes attempts to provide for the exchange of Information and for a Central Committee tightens up the machinery of extradition, and prescribes regulations to protect women and children emigrants. \*

Among the main current problems of the subject we might first take up the abolition of the licensed house system. The enquiries made by the Committee show that the system of licensed houses and the existence of *souteneurs* are the two main props and agencies of the international traffic. However, the Committee takes a moderate and judicious view of these matters and understands that the licensed house system, at any rate, depends upon the state of public opinion in the country concerned, and that these are national matters in an important measure and sense. The work of the League in this sphere must be to educate and develop public opinion by public discussions at Geneva and to collect and distribute information. Such a judicious policy has borne much good fruit and we learn for example that in Chile licensed houses

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\*Drummond, *op. cit.*, p. 291.



have been closed since the beginning of the League's work in the sphere; that Nanking has passed a law abolishing the system of licensed houses in the larger towns and that in Strassbourg as well as in several towns of France licensed houses have been closed down. The information supplied to the Committee also gives the lie to the prejudice that the abolition of such houses results in an increase of venereal disease. Mr. S. N. Mallik speaking on behalf of India in 1928 was "in favour of recommending abolition. He agreed that patience was necessary, but that was no reason for arguing that the time had not yet come for taking definite and effective action. The argument that licensed houses acted as a safety valve had no other merit than that of mere age."\*

The second important question being worked out at present is that of the elimination of age limit in the Convention of 1921. The Convention of 1921 raised the age limit in the Convention of 1910 from 20 to 21 and indeed there is a movement to omit the age limit; for the victims of the Traffic have been often stated to have passed the age of 20 or even 21 through false documents or false statements. In any case the committee on the Traffic of Women and Children is now reconsidering the question of the age limit. India and other oriental and tropical countries reserved the right to substitute 16 or any greater age for any prescribed age limit. Actually, when legislating to implement the obligations undertaken, the Indian Legislature has been very strict as to age-limit in the matter and has fixed it at eighteen years. It might also be pointed out that the Indian Age of Consent Committee have recommended that the age of consent outside marital relations should be raised to 18 years. Under these circumstances India has to consider further before agreeing to the elimination of the age limit from the international conventions, except of course as regards the foreign women.

India has done as much as any country in order to promote the work of the Committee; and that indeed was only to be expected from her high moral and religious traditions, as Mr. S. N. Mallik has pointed out. Our country ratified the White Slave Traffic

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\*Indian Delegation Report 1928, p. 89.

Convention in 1922, and has since amended the Penal Code by Acts of 1923 and 1924 for the purpose of affording greater protection to girls under the age of 18 years and women over that age in cases of compulsion, intimidation etc. An Act was passed in 1925 amending further the Indian Penal Code in regard to the provisions against rape. The Government of India sends annual reports to the Committee of any cases of traffic in women and children in the province that have been detected, of the penalties inflicted and of special measures taken against the traffic. Reports are also rendered in compliance with the Convention on Obscene Publications.

Finally there is the important problem of the extension of the enquiry into the traffic in women and children to the East. Some years ago a special enquiry was conducted into the condition and methods of the traffic in women and children in countries of Europe, America and parts of the Near East and the results of the enquiry were published in 1927. The Assembly in its ninth ordinary session recommended the extension of this investigation by the Special Body of Experts into countries not previously visited especially in the East. The understanding was that the investigations to be carried out should relate to international aspects and not to the domestic aspects of the traffic. As the Council of the League put it "with the consent and co-operation of the Governments concerned, inquiries into the international traffic should be pursued in other countries not previously visited, especially in the East." The Council also approved of the view of the Committee, that "in view of the difference in social customs in Eastern countries, the nature and extent of the inquiries to be made and the methods to be followed will require special consideration, and the composition of the Special Body of Experts will have to be examined in the light of the altered circumstances." On the instructions of the Council the Secretary-General communicated with the Governments concerned, and was informed that the Government of India were prepared to consent to the extension of the inquiry and will co-operate on the understanding that the conditions laid down by the Council would be fulfilled.\* Proper modifications were made accordingly in procedure to suit

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\*Indian Delegation Report 1929, p. 34.

the special conditions in the new field of investigation. It was provided in particular that in each country to be visited the travelling commission which was to go out from the League was to be received by an official representative (of the Government of the country) whose duty would be to co-operate with the Commission, who would place facilities at its disposal and would supply information. The officials would also have a right to comment upon the observations of the Commission.

It might be added as regards the extension of the inquiry to the East, all the representatives of the Eastern countries to be visited—viz the delegations of India, China, Japan, Persia and Siam have expressed their satisfaction that the inquiry is to be so extended to their countries. At the same time they wished to stress the necessity of taking into account the special customs and conditions prevailing in the East. To quote the words of Sir Devaprasad Sarvadhikary spoken on behalf of India “when, as I hope it will, the commission comes sooner or later to India, I hope we shall have a clean record to present. Although the Indian Penal Code is more than 70 years old, the Government of India had no difficulty in ratifying the Convention immediately. This was due partly to the traditions behind us. With regard to the question of the traffic in women and children, speaking from the international point of view, the traffic in foreign women is practically non-existent in India. When the war broke out all alien women taking part in this nefarious life were cleared out and since then we have had a fairly clean slate. Such foreign women as there were have been isolated in detached spots where their doings may be closely watched. I am glad to say that the question of the licensed house does not trouble India any longer. With the abolition of the Contagious Diseases Act, which had been necessitated, it is said, owing to military reasons, the question practically ceased to exist.”

Obviously the Committee has to bear in mind that far more good is to be done by avoiding any attempt at or appearance of intrusion and by confining its task to supporting spontaneous movements of public opinion. It will not do for it to forget entirely that it is dealing with the East; and every appearance of inquisitorial

methods is best avoided. It is satisfactory to find however that the Committee is working in the right spirit, that by the year 1931 the Travelling Commission of Enquiry has already visited Siam, Indo-China, Hong-kong, Macad, Philippines, China, Japan, Java and India collecting information and that it had been welcomed and afforded every facility in collecting information. The fact that the East has welcomed such an inquiry and has assisted it whole heartedly is a very great proof that the League and the Committee have won the confidence of that part of the world in a striking measure. Such co-operation by the East in this matter would have been inconceivable a couple of decades ago. That co-operation at the present day is a sign at once that the East is progressing rapidly and that the League and the Committee are proceeding on the right lines and with the requisite degree of caution and moderation.

### **The Social Uplift Movement in India.**

In this connection attention might be drawn to the speech of the Maharajah of Kapurthala (before the Fifth Committee on the Traffic in Women and Children) in 1929 in which he drew attention to the progress which has been made in India on the social side. He placed before that Committee "evidence that consciences are being stirred, that a spontaneous movement of progress and reform is already under way, that changes are taking place which would have been regarded as inconceivable only a short-time ago, and finally, that in India, the country of caste and purdah, where within living memory all women of station and reputation lived a life of complete seclusion, the women are themselves taking the matter in hand." Attention was drawn to bills then before the Indian Legislature for fixing the age of marriage and for raising the age of consent. The fixing of a proper age for marriage must profoundly affect the social conditions in India. Provincial legislation has also been passed with the object of suppressing social abuses—"with the object of terminating the custom whereby minor girls of a certain caste were trained for immoral purposes; a law has been passed in the United Provinces empowering magistrates to restrict or regulate the movements of such girls and to arrange for their proper custody. The second and more important instance of legislation during the present year is an enactment of the Madras Legis-

lature to stop the abuses which have grown up in connection with the *devadasis* or unmarried girls, who have been dedicated to temples for the performance of certain temple services, and who receive certain endowments for their maintenance. Originally the practice was of a pious and harmless nature, but it had degenerated into abuse. The girls have now been relieved of all obligations to perform any service in consideration of the revenues which they receive, and the practice, with its immoral incidents, should die a natural death. I would call your special attention to the fact that this important and difficult piece of legislation was passed on the motion of a woman who is the Vice-President of the Madras Legislative Council."

### The Child Welfare Committee.

When the League took up from voluntary associations the guardianship of Child Welfare, when it adopted the Declaration as regards the rights of children and proclaimed it as the "Children's Charter," it took up a position which must attract to it the sympathy and admiration of the East, which has been ever the home of lofty ideals. And what ideal can be loftier than the defence of the helpless child against the curse and the terrors associated with illegitimacy, against the deceit of the forsaking guardian, against those who would rob the child of its virtue or against undeserved hardships suffered in foreign lands? Such aims rouse deserved admiration in India; and, speaking eloquently on the subject of child welfare Sir Devaprasad Sarvadhikary informed the Fifth Committee that "in India we are attempting to do work in these directions on modern lines and many child welfare and maternity welfare societies have been established and are at work under the auspices and patronage of our Viceroys, our Governors and their wives, and other distinguished officials and non-officials. Here again, I should like to remind you that India is not breaking new ground. The mother to them is an incarnation of the divinity and the child God is an ideal of some of the most important sections of the Hindu community."

The programme of child welfare is naturally a very comprehensive one and it is difficult to fix hard and fast limits to such benevo-

lent efforts. A reference to one of the recent reports of the Committee will show the immense range of operations assumed by it. We shall glance first at the two draft conventions which that Committee framed by 1929. One of them relates to "the repatriation of children and young people stranded abroad, and provides for children who have escaped or been removed abroad from the authority of their parents and guardians and have got into difficulties." \* The other draft Convention relates to the assistance to minors of foreign nationality pending the settlement of the whole question of assistance and protection for indigent foreigners. Then comes the very important matter of protection of the illegitimate child; and be it noted that quite a number of countries are at present legislating with a view to improving the status of such children and some are going even so far as to give them the same status as legitimate children. There is also the preliminary enquiry concerning children in moral and social danger. Besides these there are before the Committee the topics of juvenile courts; the provision of good recreational and educational films for children; the protection and education of blind children and that of recognition and enforcement abroad of maintenance orders.

But while the Committee has been thus enlarging and expanding its jurisdiction—no doubt with excellent motives—it has on some occasions been taking up problems which are highly complicated and which cannot be isolated for proper solution by the Committee itself. Thus very recently the British Delegate to the Council has expressed the view that the question of assistance to foreigners must be considered as a whole, and hence it was doubtful if the Committee was well advised in taking up separately the question of maintenance and protection of foreign children. In fact a great many problems relating to children cannot be studied in isolation; and hence the committee has in some cases given up wisely the idea of any undue extension of its mandate. This wise recognition of relevant but obstinate facts is shown from its report in 1930 which contains the following remarks: "The Child Welfare Committee is at pains to observe the Council's recommendations with regard

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\*Drummond, *op. cit.*, pp. 298—299.



to its methods of work. Although determined not to leave out of account any of the numerous problems raised by such an immense subject as child welfare, the Committee is careful to keep within its proper sphere, and its efforts are chiefly concentrated on the preparation of preliminary drafts that can be used by Governments for the conclusion among themselves of agreements which, by promoting child welfare, promote also social progress under the aegis of the League of Nations."

The British delegation has also striven to ensure a wise limitation of the competence and activities of the Committee. Obviously it must confine its activities to objects suitable for international regulation. Thus the British Member of the Council pointed out in 1926 that though the objects of several of the enquiries of the Committee were of high importance, they did not call for international regulation and there seemed to him to be a danger for the League in thus invading the purely national sphere of its Member States, lest those states should dislike the interference, and the real purpose of the League be obscured. On his motion the Council passed a Resolution which included a hope that the Committee would "endeavour so to narrow the field of each particular enquiry as to produce results of practical value to Government."

It was from the same point of view that in 1925 the Maharajah of Patiala had warned the Assembly that some of the items proposed for investigation were not entirely suitable, if interference with national customs and sentiment was to be avoided. Similarly during the Assembly of 1926 the Maharajah of Kapurthala made a speech in the Fifth Committee indicating that questions connected with child welfare were those in which the widest possible differences existed between different communities and nations, and that these differences were to a large extent natural, and not conventional, and were often rooted in religion, and he expressed apprehension of the dangers which might attend international interference in these matters. In its report the Fifth Committee referred to these remarks and concluded by appreciating the fact that practical considerations must sometimes limit the scope of

international co-operation. But though the present limitations of the Committees work have to be emphasised, that cannot allow us to forget the moral grandeur and vast practical importance of the work of the Committee. Nor can we minimise the importance of the pronouncement of the Rights of the Child by the Fifth Assembly—"The charter of the Child Welfare Committee is the Declaration of the Rights of the Child, commonly known as the Declaration of Geneva, which the Fifth Assembly accepted as the binding pronouncement. This begins by declaring that "beyond and above all considerations of race, nationality or creed, the child must be given the means requisite for its normal development, both materially and spiritually."\* Though we must advise a gradual and cautious advance yet we must also recognise that the ideal of to-day is the realised fact of the morrow. There can be no question whatever that the jurisdiction and work of the Child Welfare Committee will be much enlarged in course of time. That sentiment was very well expressed last year by the Roumanian delegate (Mlle. Văcărescu) when she said that "the question of child welfare came before the Fifth Committee every year with the regular persistence of a tide that finally altered the configuration of the shore." That sentiment is in no way inconsistent with the view of the next speaker on the Committee (Count de Penha Garcia) who was obviously referring to the conditions of the day only. He observed that "child welfare was an essentially national problem. It had, however, its international aspect, and in that the League could play a very important part. The League's action must necessarily be confined to two principal channels, first, the study and development of legal questions connected with children and, second, the co-ordination of the work of the national and international associations dealing with child welfare. It must be agreed that considerable results had already been obtained by the League in these two matters."† In the long period the work of the Committee will increase largely; but for the time being the Committee does well to take a judicious and practical view of what is possible.

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\*Greaves, p. 221.

†Minutes of the Fifth Committee, 1931, p. 36.

Thus we read in the report of the work of the Child Welfare Committee for 1931 that it "recognised that the problem of assistance of foreign minors was connected with the problem of assistance to destitute foreigners generally, a question which exceeded the limits of its competence. It accordingly recommended the Council to set up a special Committee composed of experts appointed by a small number of countries interested in the question, which would study the question as a whole and prepare a preliminary draft international Convention. When the Committee came to consider the question of the recognition and execution of maintenance orders abroad, it was obliged to recognise one thing—that, while the question has an important bearing on child welfare, it may be argued that the Child Welfare Committee is not competent to deal with it, since maintenance orders may benefit adults at the same time as children. The Committee accordingly came to the conclusion that the study of this question could best be undertaken by a special committee, which might be the same as that which it proposed should be appointed to study the problem of assistance."\*

### **Lines of Work of the League and of India regarding Opium and Dangerous Drugs.**

#### **The Geneva Convention, 1925.**

The League of Nations has undoubtedly earned the gratitude of the world on account of its policy in dealing with the traffic in opium and dangerous drugs in its manifold forms. It has organised the Conferences which led to the inauguration of the Geneva Opium Conventions of 1924 and February 1925. Without denying great merit to the Hague Convention on the subject it might be pointed out that the Convention of 1925 covered much new ground. It achieved this chiefly by the inclusion of the import and export certificates system, the system of periodical reports and the creation of a permanent Central Board. This Board was charged with the duty of watching the course of international traffic in narcotic drugs. It is to be remembered that the Geneva Conven-

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\*Minutes of the Fifth Committee, 1931, p. 61.

tion marked a great step forward and represented the largest measure of agreement then possible for the international control of the traffic in opium and other dangerous drugs. India lost no time in ratifying the Convention; nay it went further. In June 1926 the Government of India announced that exports, except for medical and scientific purposes, would be stopped in ten years, a reduction of 10 per cent. of the exports being made each year. Further, the area under poppy cultivation in British India was reduced by 38 per cent. in 1926 and by a further 26 per cent. in 1927.

The complaint has been often made that the results of the Geneva Convention are not as satisfactory as they were expected and that the illicit traffic was not only still extensive and serious but seemed very much to have increased. But although there were loopholes in the Convention or even "gaps and deficiencies in the system of which it was the pivot," yet on the whole the Convention has not been shown to be a defective instrument. The continued prevalence of the traffic should be attributed rather to the fact that quite a number of states did not adhere to the Convention, while some others which appeared to adhere to the Convention do not discharge their obligations fully. True it is that the Convention had to be supplemented by arrangements for limiting the manufacture of drugs; but as we shall see this was not the fault of the League which was taking this matter in hand. Indeed, as early as 1924-25 the British Delegation had made proposals in that direction.

### **The Permanent Central Opium Board.**

The constitution of the Permanent Central Board under the Convention was by itself an important factor in the progressive policy. For its function is to examine the statistics of production, manufacture, consumption, import and export with a view to discovering the source and distribution of drugs in excess of legitimate national requirements. As Mr. Greaves put it, the constitution of this body constitutes by itself an achievement of the League. It could ask for explanations from any country which appeared to be accumulating excessive stocks or was in danger of

becoming a centre of the illicit traffic; and, if the explanations were unsatisfactory, to recommend a boycott of exports to it of any drugs covered by the Convention. At the same time it must be acknowledged that the task of the Board is one of difficulty and delicacy and it has to be quite sure of its ground before it can exercise its powers.

### **The Advisory Committee.**

It should be noted that these activities of the Board were supplementing the work of the Advisory Committee which is "to secure the fullest co-operation between the various countries" and "to assist and advise the council in dealing with any questions which may arise." The Committee which has many eminent men on it has done a great deal of useful work directly especially in the way of securing ratification of the Convention by about 40 countries by 1924. It has also suggested a number of uniform legislative and administrative measures by nations to combat illicit traffic. But even greater have been the indirect results of its operations, since its action revealed the enormous extent of the illicit traffic, and the ways in which the provisions of the Hague Convention were being circumvented. It has set itself the great task of ascertaining the needs of all countries of manufactured drugs for medicinal and scientific use.

Nevertheless it has to be remarked that both the composition and the functions of the Committee remain as yet to be finally determined. In 1929 its size was increased somewhat inordinately on the ground that the states which were consumers of the drugs should also be represented. Though India was sympathetic towards this claim it had hoped that the enlargement of the Committee (which was already large) should be small, and that the claim could be met in the main by redistribution of seats. This point of view was put forward by Sir Chunilal Mehta very strongly in the year 1929. In the result there was a very considerable enlargement of the Committee in spite of the views of the Committee itself, which had remarked on the disadvantages inherent from the point of view of efficiency of any increase in its size. The view of India on the matter is supported by a great

deal of authoritative opinion. Thus Mr. Greaves remarks that "while the committee was doubtful—with the notable exception of Italy, a non-manufacturing country—about the advisability of adding as many as two or three members, the Council decided to add seven. And further, the whole position was to come up for reconsideration in two years."\* Mr. Greaves is indeed very critical of the work of the Committee and argues that the "Committee is suffering from defects which are inherent in its composition." He goes so far as to suggest that "it is upon the Central Opium Board that the function of the Commission must be made increasingly to devolve". For in his opinion "the Board is a more suitable body for performing the whole function of the Committee than that Committee however it may be reformed, can ever aspire to be".† This criticism appears, however, too strong in view of the valuable work done by the Advisory Committee. The representatives of India have never failed to do justice to the work of that Committee.

#### General lines of the Work of the League.

We might now summarise for the readers the main achievements of the League in dealing with the Opium problem before passing on to consider the results in the same direction secured by the policy of India (both before and after the formation of the League). We have to note the supplementing, amplifying and strengthening of the Hague Convention. There is further the establishment of the Permanent Central Board and the Advisory Committee which were most important and efficient institutions. There were conducted important enquiries in various countries—for example in Persia and in the Far East. Thus the League is establishing slowly a "world wide system for the control of narcotic drugs".

As to police co-operation the Advisory Committee at its Session in 1930 passed a resolution in favour of co-operation between the police authorities of the different countries. Strik-

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\*Greaves, *op. cit.*, p. 233.

†Greaves, *op. cit.*, pp. 283, 238, 239.



ing success has been achieved through co-operation of this sort by the Egyptian Narcotics' Bureau. In India we have lately had a special enquiry into the traffic in India carried out by an Indian police officer, and it has been proposed when the financial position allows, to create in India a Central Information Bureau for the purpose of co-ordinating work in connection with the traffic. The Indian Delegate (Sir Zulfiqar Ali Khan) observed on the subject in 1930 that "the Government of India have lately caused an enquiry to be conducted as to the advantages and methods of centralised police activity in regard to the illicit traffic."

The problem of opium smoking is also being taken in hand; and on this subject we have before us the valuable report of the travelling commission of the League which recently toured the Far East including Burma. This report is known as the Ekstrand Report from the name of the Chairman. We give here the main conclusions and recommendations of that Commission—and first as to the shortcomings of the past policy: "Sincere efforts have been made to combat the opium-smoking habit and the illicit traffic in opium throughout the Far-East. On the whole, however, these efforts have had but few lasting results owing to the fact that each step taken was isolated and not co-ordinated to any general plan. The opium policy in some countries had the character of a series of experiments. Again, a measure has sometimes been adopted in expectation of results that never materialised from a measure adopted previously. It has proved a bad policy to concentrate on some measures and to ignore others: to combat the illicit traffic but to disregard poppy cultivation which supplies that traffic; to endeavour to limit the demands for opium but to ignore the causes of that demand; to register smokers but not to ration them; to control the use of opium but of dross, or to control smoking establishment but to allow opium-smoking outside them. In order to attain the desired results it is essential that all measures aiming at gradual suppression of opium-smoking should be taken concurrently and applied as progressively as circumstances permit."

The first desideratum pointed out by the Commission to the spread of research and the dissemination of knowledge: "Scien-

tific research in regard to the opium problem in all its phases should be undertaken in all territories with the support of Governments and on an international basis. It is of great importance that the result of scientific research should be made the common property of all authorities in the Far East. Measures should also be taken to make this knowledge available to scientists in other parts of the world. As long as poppy cultivation is not under control there will always be illicit traffic in opium. The efforts to control poppy cultivation in one country should not depend on conditions in another, as it is reasonable to expect that no country will abstain long from international co-operation in this field."

Then the Commission lays down some lines of International Co-operation for the purpose even on the financial side which deserve attention: "Steps should be taken to secure international co-operation for the gradual limitation and control of poppy cultivation in all countries where it is possible for the Governments to enforce such control. Plans to this end should take into account the possibilities of replacing poppy cultivation by other agricultural production which would place the economic life of these countries on a sounder basis. Limitation of poppy cultivation and its replacement by other production might in some countries require extraordinary measures, *including financial assistance on an international basis*. The League of Nations should invite the Governments concerned to meet in conference to investigate the possibilities of limitation and control of poppy cultivation. Doubts as to whether it will be feasible, within a short or long period, to carry out control and limitation of poppy cultivation should not be allowed to prevent or defer the taking of positive steps against the opium-smoking habit. But these steps should be based on the limitation and control of poppy cultivation which alone will assure the total suppression of opium-smoking."

"Opium should not be considered as a legitimate commercial product, and the existing demand for it should be regarded as illegitimate except for medical and scientific purposes." After putting in this rather doubtful proposition the Commission goes on to show what a long crusade is necessary to reach the goal. In spite of

all efforts to exterminate this illegitimate demand it will exist as a result of circumstances which can be changed only by an improvement in social and hygienic conditions. The demand for opium for smoking purposes should be combated by organised public opinion and systematic propaganda, by education, sports and physical training. In this work Governments should co-operate with the Press and other organs by which public opinion is formed.”

Some indications are then given of the vast efforts and financial sacrifices required to achieve the object: “The different Governments should organise on a common plan the existing national preventive services, increase the personnel and provide additional equipment, such as fast motor launches and coast-guard steamers. Special preventive “flying squadrons” would offer the advantage of quick action. To ensure close co-operation in preventive work it should be directed by a single central intelligence bureau in every territory. Preventive services in all the territories in the Far-East should keep in constant touch and exchange information regarding illicit traffic. Sufficient funds for the preventive services should be allotted from the opium revenue.”\*

The problems of dealing with new drugs and derivatives of limitation of manufacture are also later stages of the same campaign of the League and will be discussed later in this chapter.

### **India's Work as the Pioneer Country in the Control of Production and Distribution of Opium.**

#### *(a) Control of Production:—*

Long before the Hague Convention had set out the ideal of the control of distribution and production of opium, India had been maturing a most rigorous system of restriction of production and of the regulation of distribution. The Indian delegate (Sir K. V. Reddi) observed in the session of 1928, that “the poppy could be cultivated in India only under Government supervision. It has all along been grown only by licensed cultivators and that only in

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\*Ekstrand Report, pp. 137—139.

a limited area and that again in a single province. The whole product must be delivered to the Government Opium Department. You cannot conceive of a more monopolistic system of opium cultivation." The result was that Indian administration regarding Opium was accepted as a model one both by the Shanghai Conference of 1909 and by the Hague Conference of 1912. As Sir Kurma put it since 1911 India has gone on progressively reducing her production of opium. The result has been that the acreage under cultivation has decreased from about 61,400 acres in 1905-6 to 42,000 in 1929. Cultivation in Indian States has also decreased from about 146,000 acres in 1905 to 36,810 in 1928. It is easy to calculate the immense decline in the proportion of opium production of which these figures give some idea, as also to estimate the vast pecuniary sacrifice which India has made in the cause of humanitarianism. The opium revenue of the Government of India in 1910-11 was in English sterling £7,521,962. In 1925-6 it came down to £3,192,275. That works out at an annual loss of four and a half millions of pounds or say, on the average, four millions of pounds a year. In 18 years—that is from 1910 to 1928—the loss of revenue to India was therefore £72,000,000. Is there, one may safely ask, any other country which has made similar sacrifices in this particular line? It might be said confidently that the only parallel is furnished by the emancipation of slaves by England and America. But unlike our case England took decades of propaganda before she accomplished her great task, while America had to wade through torrents of blood in a great Civil War towards her achievement.

(b) *The Control of Export:—*

It was in the interest of China that India began after 1908 to make progressive annual reductions in the amount of opium exported; and in 1913 when China was declared to be free of poppy cultivation exports to China were forbidden. But later on India and its Government went even further and placed a limit on the total of their exports to all destinations in order to guard against exports to China through indirect channels. India fully applied the principle of the Hague Convention of 1912 that opium shall not be exported to countries which prohibit its import, and that *pari passu* as a country restricts its imports Indian exports should be

controlled. Again since 1915 India has gradually substituted for the sale for export by auction a system of direct sale to the Governments of the countries where there is a demand for Indian opium. This country has thus negotiated agreements for such direct sale with such governments, the object being to make it as certain as possible that Indian opium was not sent to any country contrary to its government's wishes. As soon as the system of direct sales had been completed with all the governments concerned, the Calcutta auctions were discontinued with effect from 7th April 1926. The corner stone of this system of limiting exports was laid by the acceptance by India of the obligations implied in the Import Certificate system to which reference will be made later.

A word might be said as regards the destination of Indian exports. These destinations fall into two categories. In the first place Indian Opium is exported to the United Kingdom through the High Commissioner for the legitimate manufacture of drugs; such exports are carefully guarded by the meticulously careful operation of the British Dangerous Drugs Act. Then again there was a single factory at Ghazipur where morphia drugs were manufactured partly to supply the medical and scientific needs of India and partly for exports to the United Kingdom—again under the same precautions. The other destination of Indian exports of opium was to the Governments of Malaya, Hongkong, Ceylon, the State of North Borneo, Sarawak, the Netherlands, East Indies, Siam and French Indo China. In all of these countries, except Ceylon, where some opium is eaten, it is required solely for the preparation of opium for smoking; the use of prepared opium was temporarily continued in these countries, chiefly for the sake of Chinese addicts resident therein, under Chapter II of the Hague Convention, pending its gradual suppression.

This account of the destination of Indian Exports will prove satisfactorily that India is guiltless of contributing in any way to the illicit traffic of drugs in Europe or to the abuse of opium-smoking in China. The international traffic is a matter of but little importance in the case of India, though it might be that Indian opium is smuggled in some measure to Ceylon and Burma. But

such practices are of no tangible importance in the great volume of that international traffic. And we have abundant proofs of this fact. For one thing, of all the seizures of opium in recent years only one has been identified as Indian. Another important test consists of the fantastically high prices which the Chinese connoisseur offers for any opium smuggled from, or supposed to be smuggled from, India. Finally the difficulties in the way of smuggling opium from India are so great that the smuggler prefers to resort to other neighbouring countries.

### **Co-operation of India with the League.**

With the opening of the League's work in this sphere a fresh chapter was opened in the long crusade of India against opium and other dangerous drugs. As we have already seen "of the chief opium producing countries (China, India, Turkey and Persia) only one, namely India was effectively applying the Hague Convention.\* But further and later on after the appointment of the Advisory Committee on the Traffic in Opium and Dangerous Drugs India has consistently supported its policy and loyally co-operated with it as regards its various activities—*e.g.*, in carrying out the system of import certificates, in the system of direct exchanges of information between national authorities with the object of preventing illicit traffic, in the collection of the necessary statistics and in reviewing the requirements of opium for smoking. Already as has been mentioned India had substituted for sale of export by auction the system of sale to Governments. But by 1923 India adopted the Import Certificate system under which the Governments of exporting countries undertake to grant licenses for export in respect only of consignments that are covered by certificates of approval from the Government of the importing country. Thus not only the opium sold direct to Governments, but also the residue that was sold at the Calcutta auctions, while these lasted was exported under a guarantee from the Government of the importing country. A protocol was drawn up at Geneva in 1925 by the Conference on Opium and Drugs of which India and other countries are signatories. Under this, measures are to be taken to prevent within five

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\*Drummond, *op. cit.*, p. 305.



years such smuggling as would seriously hinder the suppression of opium-smoking in the Far East. The Government of India interpreted the spirit of this undertaking in its widest sense as applying not only to actual smuggling from India but also to the prevention of possible smuggling in, or from, the countries to which opium is at present legally exported under guarantees given by their Governments. Accordingly the Government of India announced on 1st September 1925 that they were prepared to accept some measure of responsibility even for illicit exports covered by Import Certificates and to prohibit or restrict export even where foreign Governments were prepared to furnish a certificate, if there was evidence that the opium was finding its way into the illicit trade. They had, in fact, already prohibited export to two countries—Persia and Macao.

More general regulation of exports, on the principle of guarding against the risk of ulterior smuggling, might have involved the necessity of differentiating and selecting particular countries on which restrictions should be placed. Partly in order to avoid this invidious necessity the Government of India decided with the concurrence of the Secretary of State and of the Indian Legislature to adopt a policy of progressive all-round reduction and ultimate extinction of exports to all destinations except for medical and scientific purposes. This step has not only enabled the Government of India to fulfil their international obligations in the widest possible measure, but is also in accordance with the general trend of international opinion and with views that have been expressed in India, and is the most convincing evidence of India's desire to assist in securing the improvement of the world's situation in regard to the trade in opium and drugs, which was looked for as a result of the Geneva Conferences.

The Government of India have been able to fix the short term of ten years as the period within which the process of extinction will be completed. The total exports of 1926 are accordingly being reduced by 10 per cent in each subsequent year so that the last export will take place in 1935.

It might be added that Sir Eric Drummond acknowledges in his valuable work the scale and merit of India's great effort in this

direction. "In this connection, it may be mentioned that, soon after the Geneva Opium Conference, India changed her opium policy and undertook to cut down exports not intended for scientific and medical purposes by 10 per cent. per annum, so as to cease exporting opium altogether in ten years. This policy means a drastic reduction of cultivation in India, and the encouragement of other crops in place of the poppy."\*

### **Control of Internal Distribution.**

Although the methods of control of internal distribution of opium in any particular country are a domestic affair yet since attempts are occasionally made to introduce international control even here, it is necessary to explain the main lines of Indian policy in this matter—the more so since that policy though in itself perfectly satisfactory has been sometimes misunderstood abroad.

The first important justification of our policy is the falling figure of per capita consumption. That figure for British India stood in 1928 at 15.89 grains (or less than a gramme) whereas in the year 1895 the per capita consumption was 27 grains. The former figure is comparable with the figures returned by some European Governments as representing the actual medical and scientific requirements of their countries. Indeed, after making certain necessary allowances it is not greatly in excess of what is called "the League standard" fixed by the medical Committee of the Conference, as reasonable for the medical and scientific requirements of countries possessing a highly organised system of medical assistance. It has, however, to be noted here that this League Standard is now being considered too low and, it is now agreed, that it is impossible to fix with any degree of precision any external standard of legitimate consumption even for countries individually, much less for all countries collectively. As economists well know the standard of suitable consumption of any particular commodity is bound to vary from country to country; and opium can be no exception to the rule. Even the consumption per head in a very advanced country like the U. S. A. is higher than the League Standard. In the case

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\*Drummond—p. 307.

of India, in particular, allowances have to be made for the lower morphine content of its opium and for the veterinary uses to which a portion of that opium is put.

These low figures of our internal consumption of opium furnish the best answers to the criticism directed against India for not having accepted certain proposals advanced at the Geneva Conference to the effect that production of opium except for strictly medical and scientific purposes be prohibited. It is strange to find even a judicious investigator like Mr. Greaves blaming India in the matter. But when it is considered that "medical purposes" carried an artificial and special interpretation in the Conference, and implied prescriptions by medical practitioners holding a European or equivalent qualification, the difficulties of the proposal for India appear in their true light. For such practitioners are very few in India compared to the vast size and population of the country. Nor again can we neglect the large numbers of very moderate users of opium in India, nor the ceremonial uses to which the drug is often put. Certainly the motive for not accepting such a proposal was not a financial one, especially as in India there is no large class of producers of opium dependent for their living on such productive operations, as is the case in other opium-producing lands.

It would be easy for India to gain *kudos* by adopting the facile course of nominal prohibition which would drive the mischief under ground, or lead to the adoption of narcotic substitutes for opium. We have only to examine the actual methods of control of internal distribution in India in order to be convinced of their efficiency. All transactions in opium are at every stage regulated by elaborate rules made by the Provincial Governments while imports into the provinces from outside British India are closely regulated. The result is that a province's supply of opium consists practically of the amount purchased by the Provincial Government from the Government of India; this is sold by licensed vendors or druggists, and the licenses of the retail vendors are subject to the most stringent conditions designed to restrict abuse. A limit is placed by law on the amount that an individual purchaser may possess at any one time and retail prices are artificially fixed at high levels and have

been progressively enhanced, so as to discouraging sales as far as possible without incurring undue risk of stimulating smuggling. The policy of monopoly of high prices and of checking demand through them is the pivot of the Indian method of controlling distribution.

The Indian system of control is not of a crystallised and stereotyped character, but has evolved historically and is capable of further progress and development. Let it be noted that since 1910-11 the issue prices have been enhanced to amounts two or three times as great as they were then and the number of shops has been reduced by about one third. The success of the policy is shown by a marked decrease in production. In fact until the world can be changed radically so as to accept prohibition with all its implications, the true and only policy of control of consumption must be based on monopoly and on the manipulation of the policy made possible by such monopoly. That proposition is based on the elementary laws of Economics and consequently not very disputable. There are no strong and valid arguments for a radical change in a system which has given such excellent results, which has evolved naturally, and which not only has such a promising future of further success but to which local conditions and mentality have so well adapted themselves. Its success is in fact based on the public opinion of India which is strongly opposed to the abuse of opium. A drastic and sudden change in the direction of prohibition must lead to the loss of much ground gained under the older system. On the other hand if public opinion moves in the direction of prohibition there is nothing to prevent its asserting itself through the Provincial councils. But, obviously, we must be sure of the co-operation of public opinion before changing our policy radically.

### **The Problem of Opium Smoking.**

Over India proper the practice of opium smoking is not only condemned by public opinion but is minimised still further by the legal limits prescribed for the private possession of preparations of opium—limits which are much lower than those fixed for raw opium. Legislation for the suppression of opium dens and even for the prohibition of opium smoking has been carried out in most pro-

vinces. In Burma we have to deal with a Chinese community some of whom are smokers. But stringent measures have been adopted for the gradual suppression of opium smoking.

The Government of India suggested some time ago that smoking dens should be suppressed by making the assembly of three or more persons for the purposes of smoking opium a penal offence. Legislation on these lines has been passed for the Punjab, the United Provinces, Bihar and Orissa, Delhi, the North West Frontier Province and Baluchistan. The Government of Bengal contemplates the registration of smokers and prohibition of smoking by non-registered persons. The Government of Bihar and Orissa have passed an Act which came into force on 1st January 1929 to register and ration existing smokers (the registers to be closed in three years). A bill has been passed in Assam for the total prohibition of opium smoking and prohibition is also contemplated by the Governments of Madras and Bombay. An Act has been passed in 1929 by the Legislature of the Central Provinces which will have the effect of totally prohibiting opium smoking in three years' time. In the province of Burma the question of prepared opium is of more importance, mainly owing to the presence of a Chinese community some of whom are smokers; and Burma has accordingly been treated as one of the Far Eastern territories where the use of prepared opium is temporarily authorised under Chapter II of the Hague Convention. The practice of opium-smoking exists not among Indians, nor to any appreciable extent among the Burmese, but among the Chinese resident in the province. The Government of Burma has adopted the most stringent measures towards its gradual suppression in accordance with Article 6 of the Hague Convention. Since April 1921 it has not allowed prepared opium to be sold in the Government shops. It had long ago devised and put in force a system of registration and rationing of all consumers whether eaters or smokers. In 1924 it introduced, in addition, a special system of registration of smokers, and no person not so registered will now be allowed to possess prepared opium. No new names can be added to the register, so that the effect of the system will be that opium-smoking will be gradually prohibited. Each

smoker is attached to one shop only, and is strictly rationed. In 1928 there were 268 Burmese, 13,699 Chinese and 160 Indian registered smokers in Burma. These measures are evidence—if any was required—of the strict adherence of India to Art. 6 of the Hague Convention and to the Agreement supplementary to Chapter II of the Hague Convention which was adopted at Geneva in 1923 and which was ratified by India. The only serious difficulty which remains to be solved is the problem of smuggling from the Chinese province of Yunnan, and from the Shan States which are only partially under the control of the Government of India.

### **Production and Consumption of Opium in Native States.**

Not the least important phases of the Opium policy of India relate to the control of the production and distribution of Opium in the Native states. While this question is often treated as a distinct problem apart from that of British India, on a careful study of it there will appear an identity or at least a continuity of policy in the midst of a diversity of conditions. The objects in view are the same, the methods of control are not materially different, and the tendency towards intensification of control is as marked in both cases. In fact it is a case of convergent lines of action by which the same end is attained and the same policy is followed in two different areas.

A word might be said at first to put the problem in its proper perspective. Opium produced in native states is mainly an internal Indian problem and of little international significance. Owing to the fact that the ports are controlled by the Government of India the amount of such opium that gets into the international traffic is of little practical importance. None of the opium-producing States can export direct, because of geographical conditions, as opium produced in such States would have to pass through British India, and the Government of India do not allow the export of opium from these States to places outside India. Import and export of dangerous drugs into or from the Indian States can take place under proper licenses only.

From the point of view of the League the most important fact in the problem is how the Government of India has used its



influence towards raising the standard of the laws and regulations of Indian states regarding the production and distribution of opium. It is very satisfactory to note the great progress in this direction which reflected much credit on the authorities of the Indian states too. Thus a very large number of the Indian states have absolutely prohibited the smoking of opium in their territories; while another very large number have rigidly limited the manufacture and possession by individuals for their personal use of prepared opium. Still other states have penalised the smoking of opium in company by two or more persons.

As to dealings in opium some states have adopted in their entirety the opium laws and rules in force in the neighbouring British provinces. By the year 1925 all the states in Central India and the majority of those in Rajputana had introduced systems of excise administration which are analogous to those in force in British India and secured a large measure of control over opium production, distribution and retail vend. In 1926 the preventive staff in the British Indian areas surrounding the opium producing states in Rajputana and Central India were considerably strengthened. A British Indian officer acts as Adviser in connection with excise and opium matters to many of these states in Rajputana and Central India. Here we observe a true and effective co-operation between British India and the Indian states in order to fulfil the requirements of the Opium Conventions. Through a natural and sympathetic action the standards set up by British India are adopted by Indian states.

A most important phase in this process was reached with the Conference of 1927 attended by the representatives of Indian states, at which the Government of India put forward the far-reaching suggestion that the States should discontinue cultivation, supply their own requirements of opium by purchase from the Ghazipur factory and gradually raise the price at which they would sell such opium to level with that in the adjoining British districts, thereby both removing the incentive to smuggling from the states and at the same time reducing consumption in the states themselves. A committee was set up and has projected a comprehensive inquiry about

the extent of consumption of opium, the occasions and purposes of consumption, the agricultural aspects of the problem including the possibility of replacing poppy by other crops as well as the financial effects of such substitution upon the states. In fact the Government of India is at present engaged in trying to buy up the very large old stocks of Malwa opium or otherwise to get possession of them with a view to distributing them gradually over a period of years for legitimate consumption. It is hoped that when the old stocks have been disposed of the way will be clear for more effective measures of controlling cultivation and production in the States. Malwa opium is mainly an internal Indian problem, and of little international significance.

### **The general trend of Indian Policy.**

The intensity and magnitude of India's effort during the last three decades to limit the production and traffic in and manufacture of drugs can best be appreciated by looking at some more recent aspects of her continuous and effective policy for controlling the production and consumption of opium. Thus, to take one example, during the last few years the Government of India in consultation with the provincial authorities have been overhauling the legislation on this subject. As a result the Indian Legislature passed, in the spring of 1930, an Act for consolidating and strengthening the law.

In the next place we find that in June 1926 the Government of India had announced that exports of opium from India for other than medical and scientific purposes would be stopped in ten years—i.e., no such exports would be allowed after 31st December 1935 and that no country which did not receive Indian opium in 1926 would be allowed to participate in these diminishing exports of opium not intended for medical and scientific purposes.

The work of the Conference of the Representatives of Local Governments and Administrations held in May, 1930 is of high importance as exemplifying the consistent Indian policy for diminishing the consumption of opium and other dangerous drugs. Wherever the consumption of opium appears to be at all abnormal special measures are proposed and special investigations are made.

It is to be hoped that the application of the system of registration of consumers and reduction of limits of sale and of individual possession as well as the enhancement of price will remove any such abnormalities. But there are obvious limitations even to the application of the policy of registration and rationing; nor is the extreme policy of working towards total suppression of consumption by itself likely to be very beneficial. For, as has been pointed out, "the drug problem is a whole and one aspect of it—the Opium problem cannot be usefully considered or tackled in isolation."

### **The rise of new aspects of the Drugs Problem.**

While the League has been working so zealously at the solution of the older problems relating to narcotic drugs new problems have kept arising. Sir Eric Drummond has drawn attention to the fact that the problem of illicit traffic in a wide variety of drugs has become world-wide and has grown far graver than in pre-war days.\* There had been a recrudescence of opium production in China and heavy exports from Persia. Turkey heads the opium producing countries of Europe and alone practically supplies the European markets. But there is such an abuse of manufactured drugs other than opium with the result that the subject of opium policy has receded in the background. At the Fifth Committee in 1931 Sir Zulfiqar Ali Khan remarked that "There is a factor not to be overlooked which has come into prominence since last year, and which threatens to undermine any arrangements that may be come to for the limitation of manufacture among the Governments of the countries which are represented here. That factor is the development of manufacture in countries which are not members of the League, and which are not parties to our decisions. It is one of the most difficult and troublesome features of the drug problem, that the tightening up of control in some countries tends to drive the evil further afield, and that is exactly what has been lately happening. As the Advisory Committee has pointed out, the manufacture of heroin has recently been started on a large scale in Turkey. Within the last year, and even within the last few days we have heard of large seizures of heroin manufactured in

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\*Drummond, *op. cit.*, p. 310.

Turkey, some of which was apparently intended for a destination in India. The quantities now being produced in Turkey are already very large and are capable of indefinite expansion, and they are bound to pass almost entirely into the illicit traffic. We have no occasion at present to reproach our friends in Turkey, for we must recognise that the problem is one of recent development and is the result of restrictions properly imposed outside Turkey. It would be interesting to hear the view of my colleagues on the question whether we should address a most earnest appeal for co-operation to the Turkish authorities. I should hope that they should realise that by co-operation with the League they can nip in the bud a development which will otherwise do infinite harm to the good name of Turkey.” Nor was Turkey the only centre of the evolution of new drug problems, for “seizures of illicit cocaine in India and other places in the Far East have borne labels in some cases of firms licensed to manufacture drugs by the Japanese Government, and in other cases of brands of which the origin is unknown, but which we must at present presume to be Japanese. I am bound to express the dissatisfaction of my Government that firms whose products have been frequently found in the illicit traffic are still licensed to manufacture, and that after all these years the sources of the other brands, of which the names are stated in the Report, should still remain a mystery.”\*

While the Turkish production was mainly that of heroin which is not at present of particular danger to India, the growth of the manufacture of Cocaine is a different matter. Illicit traffic in Cocaine from the Far East has been increasing in India; and Sir Chunilal Mehta speaking as early as 1929 in the Fifth Committee welcomed the resolution of the British Delegation and emphasised the importance of the *limitation of the manufacture of illicit drugs*; “No step could be more important” he observed “at the present moment than the limitation of manufacture.” No step could be too progressive so far as his country was concerned. He believed that that measure would achieve some of the effect sought by the Assembly. For the full effect to be attained, it might be necessary

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\*Indian Delegation Report 1930, pp. 106 and 107.

*to go further and follow the example of India*, which had for many years had a Government monopoly of the manufacture of narcotic drugs. He congratulated the Spanish Government upon having set up a similar monopoly in its country. India was one of the consuming countries, one of the unfortunate victims. In the first six months of 1929 no less than 4,668 ounces had been seized by the police in India. The drugs came from various sources and bore different labels, and they were distributed almost regularly over the six months in question. Certain seizures had exceeded 1,000 ounces in amount. It was therefore necessary for India that drastic steps should be taken, and no step could be too progressive for India. He therefore gave the fullest support to the principle of the British proposal and likewise to the Austrian resolution which he believed was a substantial contribution to the debate. The unanimous efforts of the police of all countries would ensure a large measure of control.\*

At the same time the Indian delegate refused to take a pessimistic view of the situation and thought that the work of the Advisory Committee had met with notable success. Indeed he moved a resolution expressing satisfaction with the work of the Committee in securing the acceptance and application of the Geneva Convention of 1925 and in the matter of exposing the extent and methods of illicit traffic. He also expressed great hopes of the Permanent Central Board when its work was fully developed. While Sir Chunilal urged that the Assembly should support the proposal for the limitation of manufacture he emphasised the benefits of an unrelaxing application of existing provisions like the Geneva Convention.

In view of the reference in the speeches of the Indian delegates to the conditions prevailing in Turkey and Japan it is satisfactory to refer to the Report of the Fifth Committee in 1930 on traffic in opium and other dangerous drugs. There we are informed on the authority of the Japanese delegate that his Government have issued new regulations on the supervision of the drug traffic on 17th May 1930. These regulations are much stricter than previous

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\*Indian Delegation Report 1929, pp. 82 and 32.

measures and cover transactions in drugs from manufacture to retail sale. No drugs may be brought without a police certificate when the purchaser is unknown to the seller. A very important regulation has also been issued on the transport of opium by sea. Japanese vessels engaging in the drug trade will no longer have the right to carry opium from a foreign port to Japan, and they will only be able to engage in traffic in foreign waters on condition that they conform strictly to the regulations in force in foreign countries. Offenders will be liable to very heavy fines. As regards the manufacture of cocaine, added the Japanese delegate, an appreciable reduction has already been achieved, and doctors are more and more replacing cocaine by less harmful substitutes. The Japanese delegate asserted further the desire of his Government to co-operate with the Government of India, and he regretted that the enquiries so far instituted had failed to discover the origin of the cocaine found in the illicit traffic. He expressed the hope that the new regulations would lead to more satisfactory results. The attention of the Fifth Committee had also been drawn in 1930 to the fact that the illicit imports into China of Persian opium coming from the Persian Gulf continued to be very large. Nevertheless, the Committee was gratified to note the information furnished by the Persian delegate as to the intentions of his Government and the measures taken by Persia to give effect to the regulations of the League, notwithstanding the serious difficulties which that country must still encounter in regulating the traffic in opium. Finally, the Committee gave special attention to the position in China, and expressed the hope, which was shared by the Chinese delegate, that the co-operation of China and the Powers which had treaties with that country would contribute effectively towards the suppression of the illicit traffic in China, which still continues to be considerable. Large seizures of Chinese opium, raw or prepared, have been made by the authorities at Hong Kong and in the Dutch East Indies, Malaysia and the Philippines. The Fifth Committee, in full sympathy with the efforts made by the Chinese Government to improve the position, recommends that China and the Powers concerned should apply the recommendations made by the Advisory Committee in regard to the illicit traffic in opium and drugs.



It might be added that the British Delegation has been very active on the subject of suppression of illicit traffic and the limitation of manufacture. Prof. Noel Baker moved in 1929 that the Council should invite the Governments of the manufacturing countries to confer together, as soon as possible, as to the possibility of arriving at some form of limitation of the manufacture of dangerous drugs.

### **Convention on the Limitation of Manufacture of Narcotic Drugs (1931).**

Admittedly a number of loopholes had been left in the earlier Convention of which the producers and traffickers were not slow to take advantage. Thus though the Hague Convention required that effective legislation be enacted to 'control' the production and distribution of raw opium, no standard was fixed showing to what extent and how the control was to be exercised. It was not specified whether limitation should be by direct or indirect measures. Similarly, the Second Geneva Convention reiterated the principle of indirect limitation embodied in the Hague Convention of 1912. "Both the Hague and the Geneva Conventions provided for exemption from certain of their provisions of preparations containing morphine in proportions not exceeding 0.2 per cent or containing cocaine in proportions not exceeding 0.1 per cent. Furthermore, the Hague Convention did not require its signatories to control the derivatives of morphine or cocaine, unless and until they are shown, by scientific research, generally recognised, to be liable to similar abuses and productive of the ill effects as the morphine or cocaine from which they are manufactured; and again the Geneva Convention did not require control of any of these derivatives until the Health Committee of the League after having submitted the question for advice and report to the Permanent Committee of the Office International d'Hygiene Publique reported to the council of the League that the specific drug in question should be included in the Convention. It was then included only as to the countries which notify to the Secretary General of their acceptance of the Health Committee's recommendation. The reason for these exemptions or provisional exemp-

tions was that many preparations containing very small quantities of morphine or cocaine are not generally considered habit-forming or dangerous. On the other hand many derivatives are habit-forming and are just as dangerous as the drugs from which they are made.” \*

At last the fundamental task of limitation of production was taken in hand. The Conference met in May—July 1931 and India was represented upon it by Dr. Pranjpaye with Mr. G. Graham Dixon as Adviser. Indeed as one of the victims of the illicit drugs traffic she was vitally interested in the success of the Conference. As Dr. Pranjpaye pointed out, while the Indian production of drugs was no menace to the world India was certainly a victim of the drugs traffic. Cocaine was unknown to India a generation ago but to-day so great is the illicit traffic in it that the amount seized by the authorities in 1929 was six times greater than in 1928 while no less than 72,000 ounces of cocaine were seized in Calcutta alone in the year 1929. India was therefore naturally anxious for the adoption at the Conference of the most efficient and practicable scheme—“India, therefore, is closely concerned in the conclusion of a Convention which will effectively limit the manufacture of drugs to the world’s legitimate medical and scientific requirements. Subject to the preservation of her right to manufacture for the home market and to supply drugs in small quantities to neighbouring parts of the Empire such as Ceylon, and to the same treatment as is accorded under the Convention to other countries that manufacture drugs but do not export at present, she is anxious to accept any workable scheme that this Conference may evolve.”† As the Indian delegates to Geneva had argued and urged repeatedly no step for the limitation of manufacture could be too drastic or too progressive for India. Her sole interest was in supporting that scheme which promised to work most efficiently.

It is by applying this test that we can judge the results of the Opium Conference of 1931. There were several schemes based

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\*Report of the Indian Delegation to the Conference on Limitation of the manufacture of Narcotic drugs, para 4.

†Report of the Conference, 1931, p. 34, para 2.

on different principles before the Conference. But the most important one was the official scheme or Draft Convention prepared by the Opium Advisory Committee. Its basic principle was that of the formation of a cartel and of participation according to shares of the world quota to be allocated to each manufacturing country by agreement *inter se*. In other words "in order to secure direct limitation of the manufacture of narcotic drugs, the proportion of total amount of drugs to be manufactured by each of the manufacturing countries should be determined beforehand by agreement between those countries." This plan approved by the Council in May 1930 required an "establishment of the world's needs for medical and scientific purposes with the assistance of the estimates furnished by the Government; allocation of world manufacture among manufacturing countries on a quota system; control of distribution by a central body in order to ensure the receipt by every country of supplies of narcotic drugs in accordance with the amounts set forth in its estimates."\*

Let us now look at the main lines of criticism advanced against the Advisory Committee's Plan. The real trouble on the practical side was how to decide on the share of the world's quota to be allotted to each manufacturing or exporting country. Repeated requests failed to produce the particulars of such quotas to be allotted. Not only could no agreement be reached upon the quota system contained in the draft Convention but as the Indian Delegate remarked with a touch of humour—"the Conference now temporarily assumed the appearance of a meeting for the extension of the manufacture of dangerous drugs, as in their anxiety to do their best for their own Governments delegations from non-manufacturing and non-exporting countries openly claimed a share in the booty with an assurance that must be unparalleled in Geneva. Yugoslavia made almost a boast of the fact that she had succeeded in completing her first drug factory in time to claim a share in the export trade at the Conference, and Turkey, Persia, and Yugoslavia joined in demanding the cutting up of the export trade in raw material into quotas. Seeing that the demand for

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\*5th Commission 1931, p. 45.

quotas of raw material was bound to be ultimately rejected by the Conference in view of its firm decision that questions touching raw materials were outside its competence, the Indian Delegation refrained from suggesting that any part of the raw material quota should be left undistributed in Indian interests.”† Then, again, it was assumed that the scheme was “an attempt to establish a monopoly and the consuming countries generally feared dictation from a cartel and a probable rise in prices.”

Other defects of the plan might be noted. It contained no definite answers to the following problems, among others:

- (a) the advisability of provisions for economic pressure against countries which do not adhere to certain of the fundamental terms of the Limitation Convention.
- (b) the means to be adopted for the purpose of insuring that no country manufactures more than its allotted share,
- (c) the means to be adopted to prevent an unreasonable increase in the price of manufactured drugs as a result of the agreement for direct limitation of manufacture,
- (d) the appointment or designation of an International Board to perform the administrative functions outlined in the Plan.

The plan which was actually adopted had the merit of avoiding even the appearance of instituting a monopoly and it was based upon free trade and free market for drugs. The remarks of the President of the Conference on the subject can bear quotation: “The Conference’s task was to limit manufacture—that is, to elaborate a system which would not allow the production of more drugs than the world could legitimately consume. There were two methods of reaching such a result: one seemed simple—the allocation to every one of his share, each undertaking not to exceed it. The other was particularly difficult to realise; it meant that every country must be left to buy and sell freely, at the same time setting up

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†Conference Report, p. 7, para 36.

machinery so well regulated that the sum of the production of all the competitors would nevertheless remain within the limits set. After some hesitation, the Conference adopted this second course and has, in spite of all difficulties, achieved its object.” It further “marked a very great advance upon the proposals of the Advisory Committee” by subjecting all drugs mentioned in Groups I and II to the full provisions for limitation and national estimates. The character of the Convention is best described and summarised in the report of M. Sawada, the Rapporteur of the Fifth Committee and we shall adopt that authoritative description\*: “The Convention drawn up by the Conference, which had at its disposal the most highly qualified experts—able to draw up a list of narcotic drugs as complete as present-day science permits—covers a far larger number of drugs than preceding Conventions. The Conference, however, gave this point its consideration and, in the recommendation which it adopted and which will be found in the Final Act, requested the Council of the League of Nations to instruct the Secretary-General to draw the attention of the Members of the League and the States non-members to the figures set out in the documents drawn up by the Secretariat, estimating the total present world requirements of drugs for use as such approximately as follows.

				<i>Tons.</i>
Morphine	...	...	...	9
Diacetylmorphine	...	...	...	2
Cocaine	...	...	...	5½

Chapter IV provides for prohibitions and restrictions, the importance of which must be stressed. The Conference was not unanimously in favour of the suggestion of certain delegations that diacetylmorphine (heroin) manufacture should be totally abolished but, under the terms of the Convention, the contracting parties undertook to prohibit the export of diacetylmorphine and its salts except when intended for the Government of a country in which diacetylmorphine was not manufactured, and then only under

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\*5th Committee, 1931, p. 45.

clearly defined conditions. Further, trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf not in use on the date of signature of the Convention for medical or scientific purposes shall only be permitted if the medical or scientific value of the product in question has been ascertained to the satisfaction of the Government concerned. Should the Health Committee consider that the product is capable of producing addiction it shall fall under the regime laid down in the Convention. In the event of the Health Committee deciding that the product is not itself capable of producing addiction, but is convertible into such a drug, the question as to which group the drug in question shall belong shall be referred to a body of three experts. In Chapter V, the Convention establishes a system of control, the principal objects of which are to render the provisions of the Geneva Convention or any equivalent provisions applicable to drugs and, further, to ensure through the Permanent Central Board that exports to any particular country do not exceed the total estimates for that country. The Permanent Central Board shall each year prepare for every country or territory a statement showing the estimates in respect of each drug and the amounts consumed, manufactured, converted, imported and exported; if such statement indicates that one of the contracting parties has failed to carry out its obligations, the Board shall have the right to ask for explanations, through the Secretary-General of the League, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case. Thus, by means of the simultaneous action of the Permanent Central Board and the Supervisory Body provided for in Chapter II, the Convention will, in fact, institute a central counting-house for the world traffic in drugs. The system of control is supplemented by a group of "administrative provisions". If they have not already done so, contracting parties shall create a special administration for the purpose of applying the provisions of the present Convention regulating, supervising and controlling the trade in the drugs and organising the campaign against drug addiction. Strict supervision shall be exercised over the amounts of drugs manufactured



or in stock and on their distribution upon delivery from the factory. The amounts of raw materials in the possession of manufacturers are also to be subjected to limitation. All drugs seized in the illicit traffic are to be destroyed, or converted into non-narcotic substances, or reserved for medical or scientific uses, either by the Government or under its control. Diacetylmorphine must always be destroyed or converted.' '\*

We have said much about the work of the League as to the suppression and control of the traffic and production of dangerous drugs. But there is another and more impressive way of appraising the magnitude and value of the effort and work of the League in this direction. What, it might be asked, would have been the state of the world in this respect if the manufacture in and export of Heroin from Turkey and of Cocaine from the Far East had remained unchecked and uncontrolled? What would have happened, again if there had been no one to see to it that the activities of the many factories engaged in the illicit manufacture and traffic throughout Europe were checked? Consider the desire of many European and Asiatic countries shown at the Conference of 1931 to have a share in the export trade. It is when we remember all this and also the vast power which progress in science places at the disposal of this nefarious trade that we can pay the tribute which we owe to the League of Nations.

### **Improvement in Penal Administration.**

This subject might be said to have been introduced on the League's programme of activities by a petition from the Howard League for Penal Reform and other similar organisations in 1929 requesting action for the improvement of penal administration and towards an international convention on the treatment of persons in captivity. In response the Council of the League consulted both the International Prison Commission and the Howard League as to the lines of possible reform. Finally the Assembly of 1930 directed the circulation to Governments of States Members of a set of standard minimum rules for the treatment of prisoners.

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\*5th Committee's Report, 1931, pp. 46—47.

But there is a tendency to develop the subject on much more comprehensive lines. Thus it has been stated that the problem of penal administration might be considered in three aspects. In the first place there is the problem of the unification of criminal laws and the desirability of securing international solidarity against criminality by the unification of certain indictments in the law of the various countries. The second matter suggested for study is the desirability of international co-operation for the prosecution and punishment of criminals, particularly in regard to extradition, regulations governing the despatch and execution of letters of request, police co-operation etc. The third aspect of the problem is the execution of the penalty and the measures of security, particularly terms of imprisonment (treatment of prisoners) and the assistance to be given to prisoners on discharge. The Standard Minimum rules for the treatment of prisoners show the general direction which it is desired should be followed in the application of every penitentiary system. They are not supposed to describe a model organisation for prisons, but they serve to indicate the minimum conditions which should be observed in the treatment of prisoners.

Though in the year 1930 the British Delegate (Miss Susan Lawrence) had moved a resolution recommending the standard minimum rules to the favourable consideration of Governments, many delegates adopted a cautious line of policy since it was felt that the question of penal law and administration in the main was certainly a domestic matter for each country. Sir Devaprasad Sarvadhikary spoke on behalf of India on these lines. He urged that there could be no objection to simply circulating the rules to Governments but he could not commit the Government of India to the acceptance of the Resolution at it stood then. While the question of prison improvement is generally speaking national there might be aspects which make it more than national, and if violence is done to humanitarian principles, international principles must certainly prevail. The association of the resolution with the Howard Society made one naturally think that the international aspect was the real objective as would indeed be the case regarding anything that the League takes up. Sir

Devaprasad then went on to show how India had been tackling the problem of improvement in prison administration: "The Government of India has been concerning itself, as I have said, for a long time regarding the question of the improvement of prison administration. It may not be generally known here that Sir James Du Boulay, an important member of the Indian Civil Service, sometime ago investigated the question both in India and abroad, and numerous suggestions and recommendations have been made, many of which are awaiting acceptance, which has been delayed owing to financial and other reasons. In recent times political exigencies have made the Government think of important improvements and these have been made for the treatment of what are known as "A" class and "B" class prisoners, which to a certain extent, have mitigated prevailing hardships. We, the people of India, feel that further reforms are overdue, and should come as soon as possible, but that is not a matter that concerns the League, nor that can reasonably come under the terms of the resolution which we are now discussing. We have had reforms in juvenile jails and jails for the detention of women. We have had reforms in the civil side of the jail and various other important developments have taken place which when the information is forthcoming, will no doubt be duly placed before the League. For the moment, however, those are not within the purview of this Committee and the Committee will probably find no difficulty in accepting the resolution of Miss Lawrence. I accept the draft resolution on the clear understanding stated by Miss Lawrence that it implies nothing beyond the collection of further information."\*

The matter was discussed again in the session of 1931. Prof. Pella's Report (as the Rapporteur) covered the three aspects of the problem of improvement of Penal Law and Administration which we have already referred to. The majority of delegates were not disposed to go beyond the further consultation of governments. Speaking on behalf of India Dr. Hyder pointed out "that unification whatever form it might take, required uniform rules. Any

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\*Indian Delegation Report, 1930, p. 109.

such rules must take into account two factors: the first, humane treatment along enlightened lines—a matter in which India was, as its report showed, far in advance of the minimum standard required: the second, that of environment. Physical, climatic and social conditions varied from country to country, and this changing element required the exercise of infinite caution in the framing of any rules. He would add that he had been specially interested to read the International Labour Office Report, and, with reference to the Czechoslovak delegate's speech that committees of visitors had long been established in Indian prisons.'†

That immense progress is being made before our eyes in the Penal Administration of the advanced countries is an undeniable fact. And though no one can doubt that India is bearing her part in that great progressive movement, yet it is always well to keep in touch with the work, which is done abroad if only to maintain the honourable position that we have won. Take for example the principles of penal treatment that have been recently expounded for us by Viktor Almquist, former Director in Chief, Board of Prisons, Stockholm. He notes, in particular, the reforms regarding the treatment of persons awaiting trial, the grant of recreational and educational facilities to prisoners, the promotion of prisoners from one class to another with higher privileges, the proper classification of prisoners, and the protection work done for the benefit of discharged prisoners. So also in Germany very important advances in penal administration have been carried out in Thuringia, Saxony and Hamburg. You might classify the characteristics of penal administration in different parts of Germany by noting whether the teacher, the physician or the jurist might be said to be in control of the jail. Belgium, too, has made her mark in the history of Penal administration by her institutions for young delinquents with their special educational features, her reformatories for normal adults and her programme of after-prison care.\* What India wants to-day is the appearance of a number of specialised students

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†Indian Delegation Report, 1931, p. 30.

\*Cf. *Annals of American Academy of Political and Social Science*, September, 1931.

of prison reform who can expound to the world the meritorious aspect of prison administration in India and who can also suggest suitable reforms as a result of their comprehensive studies of reforms which are being carried out abroad.

### Slavery.

As befitted the high traditions of the countrymen of Wilberforce the honour of bringing up this subject before the Assembly of the League fell to Sir Arthur Steel-Maitland a British delegate. It was another British delegate (Lord Cecil) who had the honour of submitting the Report upon the subject and the draft Slavery Convention to the Fourth Assembly. It was fortunate for this new campaign against slavery that Abyssinia had applied for membership of the League—a country which was the largest possessor of slaves. The object of the Slavery Convention was to secure complete suppression of both slavery and slave trade. The definition of slavery was a wide one. Forced labour is not immediately forbidden for public purposes but is to be abolished “progressively and as soon as possible.” The record of the anti-slavery work is an admirable one and it is a triumph by itself to have the government of Liberia asking for international inquiries into the alleged existence of slavery or forced labour there.

As regards the zealous work of India in co-operating in the Campaign against slavery it might be mentioned that in 1926, Sir William Vincent, the leader of the Indian Delegation, signed the Slavery Convention subject to two virtually technical and formal reservations. The first was that the ships of India—as “native vessels” should not be placed in a position different from that of other State signatories of the Convention. He observed that he could not accept for one moment the suggestion that Indian ships should be treated differently from, say, British, French, or Italian ships or that they were, either by reason of any kind of connection with the slave trade, or by reason of any difference in the system of government or control over navigation, not entitled to exactly the same consideration as ships of other countries. The other reservation was regarding the Indian States and the unadministered tracts. Sir William then proceeded to account

for the reservations. "It is true that we have to make certain reservations on signing the Convention, but one of these, which relates only to the search of ships suspected of carrying slaves, need in no way impede the execution of an effective agreement on this subject. I can assure the Assembly that in fact no Indian ships are engaged in the slave trade, and that the law of India prohibits slavery and this slave trade under penal clauses of great severity. Another reservation we have been compelled to make is in relation to Indian States and a small area of unadministered territory. The reason for this reservation in regard to the Indian States is not that slavery is prevalent there, for this is not the case at all, but it arises from the constitutional position which those States occupy, a position which I have fully explained in the Sixth Committee. The Convention will, however, be brought to the notice of States, and provision exists in the Convention for extending its obligations to these areas should this be necessary or desirable in future. In the meantime, in the unadministered areas of which I spoke, tracts situated on the extreme north-eastern frontier of British India, the population of which is estimated at a few hundred thousand persons only, steady systematic efforts are being made by the local Governments to eradicate traces of slavery and conditions analogous thereto. In one of these areas already over 3,000 slaves have been released (last year) on payment of substantial compensation to their owners; in another area a special expedition has been sent this year charged with the mission of securing by persuasion and payment of compensation the release of all slaves in that territory."\*

Sir William had observed that the Convention was a tangible and effective achievement of great moment and a practical illustration to the world in one direction at least of the great work done for humanity by the League. India, he added, heartily welcomed the conclusion of the Convention and it was glad to undertake the duty of making every effort to root out conditions of servitude which approximate to slavery. The very next year (1927) a distinguished Indian prince, the Maharaja of Kapurthala was privileged to reassure the League as to the zealous co-opera-

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\*Indian Delegation Report, 1926, p. 150.



tion of Indian states in the anti-slavery campaign. He reminded the Sixth Committee that the kingdom of Nepal had recently completed the liberation of nearly 600,000 slaves; that the Khan of Kalat had succeeded in abolishing all forms of private property in human beings. He added that although a reservation had been made by India in 1926 about slavery in unadministered areas this had not prevented it from sending two expeditions into the wild regions in the extreme East of India for the purpose of securing the liberation of slaves. As a result slavery had now practically ceased in Burma. He then added an assurance which was particularly valuable as coming from a well-known ruling province of India. "Last year Sir William Vincent, the leader of the Indian Delegation, in signing the Convention was obliged, for constitutional reasons, to make a reservation excluding the Indian States from the Convention. He said that slavery in the ordinary sense was not now practised in any Indian State, and that where conditions amounting to forced labour were present no serious abuses existed, and progress was being made in removing or mitigating those conditions. He said further that the Government of India would not fail to bring to the notice of the Rulers of the Indian States the provisions accepted for British India under the Convention together with suitable recommendations. I am now able to inform you that the Government of India have brought the Convention to the notice of Rulers of Indian States in the light of this undertaking, and I am sure I can say with confidence that the Ruling Princes of India who are concerned will devote themselves earnestly to accelerating the removal of any vestiges of conditions akin to slavery that may still survive, and to securing the general observance of the standard aimed at by the Convention in those States, if any, in which it may be found that that standard has not yet been fully attained. I may add that my own State is one of those in which slavery and also forced labour have been abolished since a very long time, and that social reforms of all kinds have been introduced in British India as well as in almost all the Indian States, and great progress has been generally made in this direction.'"\*

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\*Indian Delegation Report, 1927, p. 103.

Such an assurance given by an Indian prince on the subject is of very high value as showing that in spite of the formal reservation made with respect to them by Sir William Vincent the Indian states were resolved to join the anti-slavery campaign.

In 1929 the British Delegation again took the initiative and proposed a further step towards the complete abolition of slavery. Viscount Cecil of Chelwood proposed the re-appointment of the commission on slavery to report not only on the general ratification of the Slavery Convention as well as on the securing of the fullest information on the subject of slavery and forced labour but on the complete abolition of slavery and slave trade in all its forms. The idea of reviving the Slavery Commission met with some opposition principally from the Portuguese and Liberian delegations; and at last Lord Cecil accepted a compromise by which the required information was to be collected not by a League Commission but by the Secretariat.

The Indian Delegate (Mr. Raza Ali) strongly supported Lord Cecil's proposal—"As the representative of a country that was deeply interested in the abolition of slavery and forced labour and all forms of compulsory labour" he urged that not only should slavery be abolished in those areas in which it still existed "but a very serious effort should be made by the League to strike at the root of the system which sanctioned any form of compulsory labour." Commenting on the remarks of the Portuguese delegate he begged the Committee not to make any difference between the question of native labour and non-native labour—"While the conditions of labour in general varied considerably from country to country, and while what was true of one country was not true of another, yet these differences should not be based upon the fact that certain labour was drawn from a particular class, nor should any distinction be made regarding the colour of the labourers." He believed that generally speaking, what applied to labour conditions in certain European countries also applied to similar conditions in Asia and Africa. Mr. Raza Ali was of opinion that it was advisable to appoint a Commission to deal with the whole question. He had perfect confidence as to the conditions prevailing in India and in

the rest of the Empire. "The British Empire had nothing to fear from such an inquiry, as was shown from the fact that the proposal had been made by the British Delegate." So far as India was concerned he did not wish the question to be prejudged. Let the Commission be appointed, let it go into the matter in India as in other countries, and he thought that examination of the conditions existing in India would not be found to the detriment of that country.

As regards social and humanitarian work India has only to go on upholding her high ideals of the past. Her record is one of the cleanest in modern times—for it was the first country to undertake the control of the production and distribution of drugs and one of the first to abolish slavery and to have a high standard of penal legislation and administration. As regards the question of opium and drugs her duty is to keep up her record and continue her efforts at reducing production and consumption. That is a comparatively easy task when it is considered how much she had already accomplished at a time when no other country was working at the great problem of the control of the production of and traffic in drugs and so there was no one whose sympathy or co-operation she could ask. That India is carrying out that task with exemplary care can be shown by applying certain very *definite criteria* of production, consumption and export. Thus taking British India as a whole the consumption has fallen from 12,527 maunds in 1910-1911 to 6,771 maunds in 1928-29. Then as to production the cultivation of the poppy has been forbidden in Ajmer-Merwara since 1926 and in British India only a strip of land in the United Provinces is permitted that cultivation. The Government of India has even suggested the prohibition of the cultivation of the poppy in the Indian states. It is also very noteworthy that in the decade following the year 1916-17 the area under cultivation of the poppy has fallen by over 76 per cent. As to exports of opium India has gone much beyond the requirements of international agreements. Exports of opium to any non-Asiatic country other than the United Kingdom are entirely prohibited. Between the years 1926 and 1930 the exports were halved. Finally a great crusade has been started and is being carried on in the

matter of opium-smoking. Total prohibition of smoking is enforced already in Assam; and in Burma and other provinces measures have been taken as to registration and licensing which will lead ultimately to the extinction of opium-smoking. Can any country produce better proofs of a sincere desire to control the production and distribution of dangerous drugs ? \*

Not so easy is another aspect of the task of India in this respect which is to see that her great sacrifices are not made useless to the world and of no effect by other countries producing more of opium or of other drugs. What indeed does India gain by her great sacrifices in the International cause if after her voluntary withdrawal from the field of such production she only witnesses the occupation of that field by other countries? It is in vain for India to have sacrificed large potential gains year after year if the sole result is the substitution of the drug or drugs produced by other countries for those which were formerly produced by herself.

There is also a third aspect of the drug problem—one, again of vital interest to India. That is to defend herself against the flood of new deleterious drugs which are being put upon the market by a sinister combination of scientific skill and unscrupulous commercial greed. That defence can succeed only with the co-operation of the League—a co-operation which Indian delegates are striving to obtain. At home the danger has been met by the passing of the Dangerous Drugs Act which centralises and vests in the Governor-General in Council the control over certain operations relating to dangerous drugs, and increases and renders uniform throughout British India the penalties for offences relating to such operations.

As regards the anti-slavery campaign there too the good name of India is being maintained, and the influence of India is being utilised to secure the abolition of slavery even outside its confines. We might note the slave releasing operations on the frontiers of Burma where slaves in their thousands are being released and settled in colonies. Beyond the Northern frontier of India His Highness the

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\*India in 1929-30, pp. 326—328.

Mehtar of Chitral is attempting to abolish the "Khanazad" system and as a preliminary measure the landholders and chiefs are being instructed to set apart plots of land for the support of the released persons. Looking more to the West of India the anti-slavery campaign is being conducted in Baluchistan where not only the Khan of Kalat but the Marri and Bugti tribesmen are entering on the novel path of the liberation of slaves.\*

Taking these achievements together no one can doubt that India has written a brilliant new chapter in the history of progress on social and humanitarian lines and has proved herself to be one of the most enthusiastic and progressive Members of the League.

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\*India in 1927-28, pp. 289—90; India in 1929-30, pp. 45—46.



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